PROCEEDINGS

OF THE

TRAVANCORE

SRI MULAM ASSEMBLY

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Vol. IX

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PROCEEDINGS

of

THE TRAVANCORE SRI MULAM ASSEMBLY.

(*OFFICIAL REPORT.*)

FIRST ASSEMBLY.

NINTH SESSION,

Monday, the 16th November 1936/1st Vrischikam 1112.

The Assembly met in the Victoria Jubilee Town Hall at Eleven of the Clock, with the Deputy President in the Chair.

DEPUTY PRESIDENT: Sachivothama Sir C. P. Ramasvami Aiyar, the President, will be glad to take the oath although there is the opinion that, under the strict law, the President is not bound to do it.

PRESIDENT; I, C. P. Ramasvami Aiyar, Ex-officio President of this Assembly, solemnly affirm that I will be faithful and loyal to His Highness the Maha Raja of Travancore, and to His Majesty the King, Emperor of India, and to their heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.

The President then signed the Rolls and took the Chair.

NEW MEMBERS SWORN IN.

The following members then took the oath and signed the rolls :—

1 Mr. C. V. Chandrasekharan,
2 ,, K. George,
3 ,, M. Govinda Pillai,
4 Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai,
5 Mr. K. Madhava Kurup,
6 ,, Kayalam Paramesvaran Pillai,
7 ,, R. Pitchu Aiyangar,
8 ,, Rao Bahadur A. Rengasvami Aiyar,
9 ,, James Simpson,
10 ,, G. B. E. Truscott, and
11 ,, A. Achyuthan.

G. P. T. 1385. 350. 19-6-112.

QUESTIONS AND ANSWERS.

Reform of the Police Department.

1. *MR. S. J. NAIR (*Nedumangad*): Will the Government be pleased to state:

(*a*) for what purpose the C. I. D. exists in the Police Force in the State;

(*b*) whether it is on the population or on the taluk basis that the number in the Police is fixed at present; and

(*c*) if it is on the population basis, the percentage of population for every Constable, the percentage of Head Constables to Constables and the percentage of Inspectors to Head Constables, respectively?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): (*a*) To help the regular force in investigation and detection.

(*b*) According to public necessities.

(*c*) Does not arise in view of answer to (*b*) above.

MR. S. J. NAIR (*Nedumangad*): With reference to part (*a*), may I know the nature of the cases or offences which are being entrusted to the C. I. D. for investigation and detection?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Almost all kinds of cases calling for investigation by the Police.

PRESIDENT: Will the honourable member kindly raise his voice?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): There are several cases in which the uniformed Police are confronted with special difficulties in investigation. All such cases have now been taken up by the C. I. D.

MR. S. J. NAIR (*Nedumangad*): May I know whether official corruption also is to be investigated by the C. I. D.?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): That is confidential.

MR. S. J. NAIR (*Nedumangad*): May I know whether at any time the C. I. D. has been entrusted with that work?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*); I have already given my answer, Sir.

MR. K. R. ELENKATH (*Kalkulam I*): May I know.........

MR. S. J. NAIR (*Nedumangad*): I have not finished yet.

PRESIDENT: Honourable members have no right to restrain each other. That is the prerogative of the Chair.

MR. S. J. NAIR (*Nedumangad*): When was the Police Force first organised in Travancore?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): About 50 years ago.

MR. S. J. NAIR (*Nedumangad*): May I know the number of Constables, Head Constables and Inspectors at that time?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I claim notice.

MR. S. J. NAIR (*Nedumangad*): May I know the system of working in England?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I am not aware of the system of working in England.

MR. S. J. NAIR (*Nedumangad*) May I know whether the Government are aware of the system obtaining in respect of the Police force in any of the civilised countries in Europe?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*); I believe that what is happening in Travancore is happening in other parts also.

MR. S. J. NAIR (*Nedumangad*): May I know whether the member can say that crime increases with the increase of population in a country?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): There is a general tendency for crime to increase with the increase of population.

PRESIDENT: Honourable members must remember that philosophical disquisitions and abstract questions do not form appropriate themes for questions and answers.

MR. S. J. NAIR (*Nedumangad*): May I know whether Government are aware that population has increased in the State subsequent to the reorganisation of the Police force?

PRESIDENT: The question need not be answered.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether the C. I. D. was reorganised recently?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Yes, Sir.

MR. K. PADMANABHAN (*Chirayinkil I*): When was it reorganised?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): In the middle of last year.

MR. K. PADMANABHAN (*Chirayinkil I*): What were the circumstances that necessitated such a reorganisation in the middle of last year?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): There were a large number of Known Depredators who had gone out of view. Several cases of thefts and burglaries remained undetected. Counterfeit coins and forged currency were in wide circulation. There were political agitations, labour movements, meetings and conferences, and special observations had to be kept unobtrusively on the movements of those engaged in these troublesome activities involving breach of public peace and tranquillity. All this required the services of a strong body of C. I. D. Officers. Hence there was urgent necessity to reorganise the force.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether the reorganisation has entailed additional expenditure?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): It has.

MR. K. PADMANABHAN (*Chirayinkil I*): What is the amount?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*); About Rs. 32,000.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether this House was consulted before the reorganisation was effected?

PRESIDENT: The honourable member knows the answer to the question himself.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know why that was not placed before this House.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I was not considered necessary.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know, Sir, why it was not considered necessary when all supplementary grants are being placed before this House?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Because it was an emergent measure.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know why Government cannot call a special session for the purpose.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): have no answer for that question.

M. K. R. ELENKATH (*Kulkulam I*): May I know whether instances of corruption among officials are included in the scope of enquiry by the C. I. D.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I have given my answer already.

MR. K. R. ELENKATH (*Kulkulam I*): May I know whether C. I. D. Inspectors are given separate stations?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): There are no separate Stations. While certain Officers have jurisdiction all over the State, others have only district jurisdiction.

Inferior servants qualified for promotion in the Land Revenue Department.

2. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state the number of permanent hands in the inferior service in the Revenue Department qualified for promotion to the superior service?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Thirty.

MR. S. J. NAIR (*Nedumangad*): May I know whether the permanent hands employed in the inferior service of the Revenue Department are being given promotions?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Sometimes they are given acting promotions.

MR. S. J. NAIR (*Nedumangad*): May I know whether those persons who have been given acting promotions have been confirmed?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I claim notice.

MR. S. J. NAIR (*Nedumangad*): May I know whether new persons have been recruited ignoring the claims of acting persons?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Better qualified persons have been recruited in preference to persons having inferior qualifications.

Minor Irrigation works in the Nedumangad taluk.

3. ✱ **MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) whether they are aware that the people have petitioned that the Kulavikottu *chira* and Kakathottil *ana*, as they exist now, are not at all useful for paddy cultivation;

(*b*) whether water cess is being collected for the *chira* and the *ana* from the owners of paddy fields and garden lands in Karipon and Nedumangad *ela*;

(*c*) whether the Land Revenue and Income Tax Commissioner has not personally inspected both the *chira* and the *ana*;

(*d*) when he inspected them;

(*e*) what his recommendation was;

(*f*) whether the Government have accepted his recommendation: and

(*g*) whether Minor Irrigation officers have inspected both the *chira* and the *ana*?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) Yes.

(*b*) Half contribution is being realised from the ryots on account of the works.

(*c*) Yes.

(*d*) On 27-8-1934.

(*e*) The recommendations of Heads of Departments to Government are confidential and cannot be disclosed.

(*f*) Government after consideration of his report have ordered to stop the excess collection of the cess and to rectify the mistakes in the list.

(*g*) Yes.

MR. S. J. NAIR (*Nedumangad*): May I know when the *chira* and *ana* referred to in part (*a*) of the question were executed?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): In 1106 and 1108, respectively.

MR. S. J. NAIR (*Nedumangad*): May I know whether the officer in charge of it just before and after the completion of that work said that the work will not be useful? Was there any representation from the ryots about this?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): No.

MR. S. J. NAIR (*Nedumangad*): May I know whether there was any representation from the public?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Yes. There was a representation from Mr. S. J. Nair also.

MR. S. J. NAIR (*Nedumangad*): May I know the date of that representation?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The honourable member himself can answer the question. He should know when he sent the representation.

MR. S. J. NAIR (*Nedumangad*): A word of explanation. I do not know when the *chira* and *ana* were completed. I ask whether there was representation to the effect that the work will not be useful.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I have not the information here and therefore I requested the member to answer the question himself.

MR. S. J. NAIR (*Nedumangad*): A point of explanation, Sir. I never asked any question whether I made any representation. My question was whether the Government or the Chief Engineer had received any representation either prior to or after the execution of the work to the effect that it will be useless.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I have not the materials to furnish the answer ready here, Sir.

MR. S. J. NAIR (*Nedumangad*): With reference to part (*b*) of the answer, may I know why in the face of the answer to part (*a*) that the *chira* and *ana* will be useless, half contribution is being realised from the ryots?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The member is referred to the answer to part (*f*) where it is stated that the collection of the cess has been stopped. I am not sure that the honourable member is correct when he says that the *chira* is useless. It is understood that it could be improved.

MR. S. J. NAIR (*Nedumangad*): Sir, I rise to a point of order. It has already been answered in part (*a*) that the *chira* is useless. Now the member does not admit it.

PRESIDENT: That is not a point of order.

MR. S. J. NAIR (*Nedumangad*): It is a point of explanation. I repeat my question.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The question in part (*a*) is whether the people have petitioned that this *chira* as it exists now is not useful for paddy cultivation. The answer is that they have petitioned. That does not mean that the Government admit that the *chira* is useless.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Government have realised that the *chira* and *ana* are useless now?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): That is a matter of opinion.

Magistrate's Court in Nedumangad.

4. * **MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) whether a site has already been selected to construct the proposed building to locate the Magistrate's Court at Nedumangad; and

(*b*) whether the estimate has already been called for and sanctioned for the construction of the building ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : (*a*) Yes.

(*b*) Yes.

MR. S. J. NAIR (*Nedumangad*) : May I know the amount sanctioned for the construction of the Magistrate's Court.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : Rs. 7,330.

Kandiyar—Mascot Hotel Road.

5. * **MR. S. J. NAIR** (*Nedumangad*) : Will the Government be pleased to state :

(*a*) the length of the road between the Kandiyar Palace Gate and the Mascot Hotel near the Chief Engineer's Office ;

(*b*) under the Town-Planning system, whether the repair and improvement of the road has been completed ;

(*c*) the amount that has been spent for the purpose up to the end of Edavam 1111 ;

(*d*) when the work began ;

(*e*) when it was completed ; and

(*f*) if it is not yet completed, how much more time and money would it require for its completion ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : (*a*) 8895 Rft.

(*b*) No.

(*c*) Rs. 3,28,432 including the land compensation to the extent of Rs. 75,188.

(*d*) In Kanni 1109.

(*e*) This does not arise in view of the answer to part (*b*).

(*f*) It may be completed this year at a further approximate cost of Rs. 1,22,000.

MR. S. J. NAIR (*Nedumangad*) : With reference to parts (*b*) and (*f*) may I know the reason for the delay in completing this work?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : We are awaiting instructions from Government to carry on the work.

MR. S J. NAIR (*Nedumangad*) : May I know whether the sum of Rs. 3,28,432 has been actually expended for the purpose of this road ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : Yes.

MR. S. J. NAIR (*Nedumangad*) : May I know the amount of waste on the part of the P. W. D. that will come under that ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : It is an improper question.

PRESIDENT : You are at liberty to answer that. I am not disallowing the question,

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : There is no waste.

MR. S. J. NAIR (*Nedumangad*) : May I know from Government how many times the road was partly completed, again dug up and again completed ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) ; I have not got the information.

MR. S. J. NAIR (*Nedumangad*) : May I know whether the Chief Engineer conducted proper inspection when the work was in progress ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : Yes, Sir.

MR. S. J. NAIR (*Nedumangad*) : May I know whether the Chief Engineer has brought to the notice of Government that there was absolute waste in the construction of the work ?

PRESIDENT : Having regard to the answer of the Chief Engineer that there is no waste, this question does not arise.

MR. S. J. NAIR (*Nedumangad*) : May I know whether the Government will be pleased to appoint an expert committee to go into the expenditure incurred on that road till now ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : There is no need to do so.

MR. K. R. ELENKATH (*Kalkulam I*) : May I know whether the expenditure of Rs. 1,22,000 referred to in part (*f*) of the question will not be decreased under the Town Planning Scheme ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : This is part and parcel of the Town Planning Scheme.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : May I know the original estimated amount of the road ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : I claim notice.

Office of the Curator for the Publication of Oriental Manuscripts.

6. ***MR. S. J. NAIR** (*Nedumangad*) : Will the Government be pleased to state :

(*a*) the number of applications received offering buildings for the location of the Office of the Curator for the Publication of Oriental Manuscripts :

(*b*) whether all the buildings so offered were inspected and the amount of rent for each ascertained ;

(*c*) if the answer to part (*b*) is in the negative, the reason for the same ; and

(*d*) whether the building now taken up for the purpose was found to be useless both by the Excise and the Devaswom Departments in recent times to locate their offices ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : (*a*) Seven

(*b*) and (*c*) Yes; except one which was found to be out of the way and difficult of access.

(*d*) It was found unsuitable to hold the Office of the Assistant Devaswom Commissioner and the Excise Division and the Range Offices, Trivandrum.

MR. S. J. NAIR (*Nedumangad*): May I know why in the face of the answer to part (*d*) this building was selected for the location of the office of the Curator?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The building was found unsuitable for the office of the Assistant Devaswom Commissioner and the Excise Division and Range Offices. But it was found suitable for the Curator's office and so it was selected.

MR. S. J. NAIR (*Nedumangad*): May I know the amount of rent that is being paid?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Rs. 25 per mensem.

MR. S. J. NAIR (*Nedumangad*): May I know the amount of rent for the buildings that were offered?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Rs. 30, Rs. 30, Rs. 20, Rs. 35 and Rs. 35 respectively for the first five buildings; no rent was specified for the sixth; and Rs. 25 was demanded for the seventh which has been selected.

Valliyarappancodu Estate road.

7. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) whether there is any representation for the construction of the Valliyarappancodu Estate road;

(*b*) whether Mr. Thommen Joseph and the inhabitants of the Pullampara, Manikal, Vembayam and Anadu *pakuthies* have already constructed a village road from Tembanmoodu to a distance of about five miles; and

(*c*) whether the Government are aware that the construction and extension of the above road would connect the Anadu-Venjaramoodu road at Tembankalai and Nedumangad-Vembayam road at Tannimoodu?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) Yes.

(*b*) Only one and a half miles have been improved by the owner of the estate.

(*c*) Yes.

MR. S. J. NAIR (*Nedumangad*): May I know what action has been taken on the representation referred to in part (*a*) of the question?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Government orders are that the improvements to the road etc. are to be taken up only after the people have done their portion according to the Ryots Road Rules.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Government are aware that the road in question has already been partly constructed under the Ryots Road Rules by the people themselves?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): No, Sir.

MR. S. J. NAIR (*Nedumangad*): Is there not a provision to say that whenever there is necessity for certain roads to be constructed by the people, the Government must view with sympathy the work that has to be carried out by the latter.

PRESIDENT: Is it the honourable member's interpretation that the rules regarding the ryots road should be viewed with sympathy by Government?

MR. S. J. NAIR (*Nedumangad*): My question is this. Is it not the duty of the P. W. D. to consider about construction of the road and not wait until the rules are carried out by the people themselves?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): There are certain definite rules on the subject, and those rules have to be carried out.

MR. S. J. NAIR (*Nedumangad*): Do Government think that they are necessary rules?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): It is a matter of opinion. Government do not make unnecessary rules.

MR. S. J. NAIR (*Nedumangad*): Then may I know whether the Government would take up the construction of useful roads?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Government do not take up any other than useful roads.

MR. S. J. NAIR (*Nedumangad*): Then may I know why this useful road has not been taken up for construction?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): There are more important roads waiting for provision of funds.

Plumbago Powder.

8. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) how many tons or cwts. of plumbago powder are required for the use of the foundry work in the P. W. D. Workshop at Trivandrum;

(*b*) whether the plumbago powder is being obtained from contractors;

(*c*) whether the order for the powder is given on contract;

(*d*) whether tenders are being called for, for the giving of the said contract;

(*e*) from where the powder is being got down or purchased at present;

(*f*) whether Travancoreans have offered to supply the powder from Travancore;

(*g*) what has become of the application of the Travancoreans; and

(*h*) why the order is not given to a Travancorean?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*):

(*a*) About 9 cwts per year.

(*b*) Yes.

(*c*) and (*d*) As the quantity required from time to time is small, quotations are called for.

(*e*) From the contractor whose quotation is the lowest, either in Travancore or outside.

(*f*) Yes.

(*g*) The applications of Travancoreans are given due consideration and orders for the supply are placed with them if the sample supplied by them is found, on testing, not inferior in quality to that supplied by outsiders.

(*h*) Does not arise in view of answer to (*g*).

MR. S. J. NAIR (*Nedumangad*): In answer to part (*e*) may I know, how many contractors have submitted quotations to supply plumbago powder in the years 1110 and 1111?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I have no information.

MR. S. J. NAIR (*Nedumangad*): May I know the exact nature of the quotation submitted by outsiders and Travancoreans on the subject?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The contract given will depend upon the quality as well as the price of the article.

MR. S. J. NAIR (*Nedumangad*): May I know the names of the contractors as well as the amounts offered for the supply of plumbago during the year 1111?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I claim notice.

MR. S. J. NAIR (*Nedumangad*): Sir, in the face of a very clear question put to the Government, it is not quite reasonable that the Government member should ask for notice,

PRESIDENT: The honourable member must be aware that the question may be very clear but the answer may require preparation.

MR. S. J. NAIR (*Nedumangad*): In the face of the answer to part (*c*) of the question may I know whether the Government are aware that the quotation given by the Travancorean was the lowest in the matter of supply of plumbago?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): It is not only the lowest tender or quotation that has to be considered. The quality of the material has to be considered also. Though it is a very small thing it is very important for the workshops to have good quality.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Government are aware that plumbago is now being brought down by an outside contractor?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): It is quite possible.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Government are aware that year before the last, a Travancorean was supplying plumbago to the workshops which is now being done by an outsider?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): It may be so.

MR. S. J. NAIR (*Nedumangad*): Then may I know why in the face of the existence of Travancoreans who are prepared to supply plumbago for the lowest rate, preference has been given to an outsider?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): It depends upon the quality as well as the price offered.

Water-tax and house-tax in Trivandrum town.

9. *MR. S. J. NAIR (*Nedumangad*): Will the Government be pleased to state:

(*a*) the rate at which and the date from which water-tax is collected from houses in the Trivandrum town;

(*b*) whether the water-tax will be collected from houses which are vacant;

(*c*) whether remission of water-tax and house-tax cannot be granted to vacant houses which are intended to be let out but are not actually let out; and

(*d*) the number of applications from the people of various localities for constructing fountains on by-lanes, the number sanctioned, and the number rejected, with reasons for the same?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) From 1-1-1111 M. E., at the rate of three per cent of the net rental value of buildings.

(*b*) Yes.

(*c*) Yes. (Under Sections 73 and 93 of the Travancore Municipal Regulation).

(*d*) No separate list is being maintained of the applications for erecting stand posts in by-lanes. From the available statistics it is seen that 35 applications were received, of which 18 were complied with. Eight applications were rejected; six for the reason that they did not satisfy the conditions mentioned in paragraph 24 of the printed report on the Willingdon Water Works and two because they related to private lanes. Of the remaining nine applications, three relate to the area under the second stage works now in progress, and one has already been sanctioned but is awaiting execution. The remaining five applications are pending consideration.

MR. S. J. NAIR (*Nedumangad*): In answer to part (*b*) may I know whether the Government are aware that the collection of water-tax is causing hardship to the people?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes, but they can get refund or remission by applying for it in proper time.

MR. S. J. NAIR (*Nedumangad*): May I know how many applications were submitted for remission and how many granted last year?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I claim notice.

The College for Women.

10 ***MR. R. SIVARAMAN NAIR** (*Tiruvalla II*): Will the Government be pleased to state:

(*a*) the number of students in each class in His Highness the Maha Raja's College for Women;

(*b*) the number of students in the History Section in the Junior Intermediate, Senior Intermediate, Junior B. A. and Senior B. A. classes; and

(*c*) the number of students in the Botany section in each class?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*):

	Junior Intermediate Class.	Senior Intermediate Class.	Junior B. A. Class.	Senior B. A. Class.
(*a*)	99	74	6	15
(*b*)	26	19	6	15
(*c*)	47	30	...	...

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): In answer to part (*b*) may I know the number of applications received for admission?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): The number varies from year to year. There were 7 applicants this year and 6 of them were admitted.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): May I know whether any selection was made from among these applications?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Sir, I have just said that there were 7 applicants and 6 of them were given admission.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): May I know whether there was sufficient room in the Arts College to admit these students?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Yes, Sir.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): May I know whether they have any objection in closing the History section of the Women's College?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): It is a suggestion for future action.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know why when there were 7 applicants only 6 of them were admitted?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): One was not eligible under the rules for admission, because, she had made more than three attempts for passing the Intermediate examination.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether all the 7 applicants were entitled to get admission under the Rules prescribed by the University?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Yes, Sir.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Then may I know, under what rule admission was refused to the particular candidate?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Under Rules issued by the Travancore Government for admission to the Government Colleges.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know why the Travancore Government have issued fresh rules restricting admissions even when there is plenty of accommodation?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Sir, I submit that these questions do not arise at all out of this particular question.

PRESIDENT: Since the honourable member has begun to answer such questions I cannot rule them out. But if the honourable member has materials on the point, he can answer this question.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): The general principle of these restrictions is that only students who possess average fitness for University studies should be admitted. A student who has made more than 3 attempts to pass the Intermediate examination is not considered fit for higher University studies.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Am I to understand then that the Travancore Government is in a position to say that the University has not been able to frame rules for regulating admissions in relation to the fitness of canditates.

PRESIDENT: I disallow that question.

MR. K. KUNJURKISHNA PILLAI (*Quilon I*): May I know whether the Government have deviated from the principle of fitness in the case of admissions of candidates that are backward in education?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): To some extent exemptions have been given to members of backward communities and women.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether any such action was taken with regard to the admission of women in the Junior B. A. Class?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): No.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know why?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Because it was considered that it was going too far to make an exemption in that case.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether anybody who has taken more than three years for passing the Intermediate examination has been admitted either in the Science College or Arts College or Women's College?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Yes, Sir, I think there were one or two cases.

MR. M SIVATANU PILLAI (*Tovala*): Is it the position of Government that in spite of accommodation these rules will be strictly enforced?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): The rules will be enforced but exemptions may be given in the most deserving cases.

MR. K. R. ELENKATH (*Kalkulam I*): May I know the reason for giving exemptions to the few cases referred to?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Because they belonged to backward and depressed classes mainly.

NOTICES OF ADJOURNMENT MOTIONS.

PRESIDENT: I have received notice of three motions for adjournment of the business of the Assembly. I shall read them one by one. The text of the first motion is this:

> "the serious situation that has arisen to the political rights of several citizens in the State in not respecting the Government Order in toto to conduct Pokuvaravu of all partition deeds and sale deeds from 1101 M. E. up to the end of 1110 M. E. by the Taluk Tahsildars, thereby denying the right of voting to thousands of persons in the State, who pay land tax of Rupee one and above, in the coming elections to the Travancore Legislative Bodies."

I disallow this motion as it does not come in any manner within the scope of the rules governing the subject.

The next motion reads thus:

> "...........the recent apprehension among the masses of people and in commercial centres that the Rupee coin bearing the effigy of Queen Victoria is not legal currency and the consequent dislocation of commercial business and hardship to the public".

That is not a matter of recent occurrence and so that is disallowed.

The third motion reads thus:

> ".. ....the desirability of either fixing the date or dates of the coming elections to the Travancore Legislative Bodies, either before the 10th of Medom 1112 M. E., or postponing it to a convenient date, so that the elections be conducted in the summer season, instead of in the winter season."

This motion is allowed and discussion will take place at the appointed time on Wednesday.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Before fixing the time is it not necessary that the leave of the House should be obtained?

PRESIDENT: Yes. Those in favour of the motion will please signify their assent.

(None stood up.)

PRESIDENT: As there is no one in favour of the motion, the motion is disallowed.

WELCOME TO THE NEW PRESIDENT.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): This meeting of the Sri Mulam Assembly luckily synchronises with the happy week when the festivities connected with the birthday of His Highness the Maharaja, Sri Chitra Thirunal, are being kept up with joyous enthusiasm throughout the State and beyond it. The very elements revel in happiness. Humanity leaps in joy, for, the excrescences which hitherto prevented the natural development of social justice, the incrustations of time which kept a large portion of the subjects of His Highness the Maharaja, along with their bretheren in other parts of India, smothered under the ban of untouchability and unapproachability, have been removed by the recent Royal Proclamation, that great instalment of benevolent legislation, which has made His Highness' twenty-fourth birthday a most remarkable and momentous event in the history of modern India. From the Himalayas to Cape Comorin the whole continent is in ecstasy. The atmosphere resounds with the praises of our beloved Sovereign who, in the short space of five years, has vindicated the noble traditions of his dynasty and justified the expectations of an admiring world by a series of beneficent measures. The star which shines so bright when it has but begun its course in the firmament must needs bathe this ancient land in splendour in the steady progress to culmination. This House offers its loyal and respectful congratulations to His Highness the Maharaja on his birthday. May His Highness' reign be long, happy and glorious.

On behalf of this Assembly I tender you, Sir, a hearty welcome. Your name is being associated with that of His Highness the Maharaja in the great chapters in the history of freedom which are being shaped in Travancore. We see the accelerated momentum of progress in this State after you became the Dewan. You have had such great opportunities of doing public work and public good as few Indians have ever had. You came to Travancore after winning renown in numerous fields of human endeavour, after compelling the admiration of friends and opponents alike. Your contribution to Indian political thought and your share in the development of New India have been remarkable. "District problems" were for a long time your special study, but you looked at them from the beginning with an eye to their proper place in a scheme of federated effort for making India strong and rich and great. The public works inaugurated in the Madras Presidency under your fostering care are becoming the sources of the streams of plenty in South India. It is only work of a solid character which brings a man an Indian reputation, You did that work and you earned that reputa-

tion. Your bold advocacy of the rights of Indian States, and Travancore in particular, in the Round Table Conference has resulted in immense good. This House, which owes its origin and its powers in large measure to your advice is therefore happy to welcome you as its President.

Sir, the Dewanship of Travancore is a great trust, a severe responsibility. The area of this State may not be very large; but we the people of Travancore have a continuity of tradition, a breadth of outlook and an enlightened judgment which is the fruit of long years of good administration under the guidance of an illustrious line of Maharajahs assisted by a succession of Dewans some of whom were men of outstanding eminence. No Dewan has hitherto entered Bhaktivilas with better credentials or with greater loyalty than your esteemed self. And you have entered upon your duties, with an open mind on public questions, with a judicial impartiality, and a genuine desire to solve them for the public good. Your utterances bespeak a correct and sympathetic appreciation of the intelligence of the people of Travancore, their ardent love of country and their ingrained loyalty to the throne and person of the Sovereign. Seventy years ago Lord Napier, who was then Governor of Fort St. George, addressing one of your great predecessors Dewan T. Madhava Rao (afterwards Rajah Sir T. Madhava Rao) while investing him with the Insignia of the Order of Knighthood of the Star of India, said: "Continue to serve the Maharaja industriously and wisely, reflecting the intelligence and virtues of His Highness faithfully to his people. The mission in which you are engaged has more than a local and transitory significance. Remember, that the spectacle of a good Indian Minister serving a good Indian Sovereign is one which may have a lasting influence on the policy of England and the future of Native Governments". This is the true ideal. The distinguished order to which His Highness the Maharaja was pleased to admit you at the BirthDay Durbar is an eloquent testimony to your devotion to His Highness the Maharaja, the prestige of royalty, and your solicitude for the good of the people.

Sir, from the pinnacle of prominence to which you had raised yourself by dint of talent and industry, supported by an all-round culture and generous impulse, you have accepted in a graceful manner and without parading any sacrifice the high office which His Highness the Maharaja who knew you so long and so intimately was pleased to offer you. Having come here, you have set yourself to the task of improving the material and moral condition of the people, improving agriculture, industry and trade, enhancing the cultural value of our institutions and making our life fuller, richer and happier. In all this noble effort your joy is to glorify His Highness the Maharaja and to display the beauty, the magnificence and the harmony of His Highness' intentions.

I assure you Sir, that in this noble endeavour this House composed of representatives of various classes and interests will give you all legitimate co-operation, all legitimate assistance. I make bold to say that you have every reason to feel that the larger rights conferred on the Legislature by the Reforms have been fully justified by the wisdom,

[Sadasya Tilaka T. K. Velu Pillai.]

the sobriety and the dignity of its deliberations. Your predecessors have treated the Assembly with becoming courtesy and regard. And I am sure that with your broad vision and phenomenal knowledge and experience of public bodies, provincial and imperial, you will maintain our rights, safeguard our privileges, and facilitate its dignified association with His Highness' Government in working for the good of the State and the well-being of the people. This House welcomes you Sir, with open hands and with the warmest feelings of pleasure. (*Applause*).

MR. K. PADMANABHAN (*Chirayinkil I*): I wish to associate myself with the sentiments of congratulation given expression to by my esteemed friend Mr. T. K. Velu Pillai. The very large number of receptions accorded to you on your way to the capital city to take up your new portfolio bear ample testimony to the jubilant spirit in which this country welcomed your Dewanship. Your intimate association with Travancore and its Royal House for the past several years, we are sure, will stand in good stead in understanding and appreciating the various internal and external problems that confront the State. Your varied and wide experience of life and your unparalleled devotion to the Throne and person of His Highness the Maharaja will enable you to tackle all these problems with a degree of success unachieved by several others.

The problem of depressed classes has been, for ages long, the greatest impediment to the progress of Indian society and polity. You have rightly laid your finger on that crucial question and I must say that you have taken a very bold step in advising His Highness the Maharaja who has been graciously pleased to allow Temple entry to all Hindus (*Applause*), an act which has added luster to His Highness who is already a brilliant luminary in the firmament of Indian Princes. We hope that you will spare no pains in securing and safeguarding the due rights and privileges of this State in the new federal State which is being evolved in British India. The Birthday title 'Sachivothama' which His Highness the Maharaja has been pleased to confer upon you is but a token of His Highness's warm appreciation of your loyalty and devotion to his person. I take this opportunity to congratulate His Highness as well as his Minister.

MR. K. C. ABRAHAM (*Kottayam II*): Sir, permit me to associate myself heartily with all that has been said by the Deputy President with reference to the Dewan-President of the day.

I have the privilege to speak on behalf of a not inconsiderable section, the Liberal party in the Assembly, under the distinguished leadership of Mr. P. K. Narayana Pillai, in whose unavoidable absence it devolves upon me, Sir, to extend to you, our hearty felicitations on the discriminating choice made by His Highness the Maharaja to the most responsible office in this ancient and far off State of Travancore.

As we are well aware you have been associated with this State's interests for a long time now; and we believe your masterful hand has had a great share in shaping a constitutional scheme, I mean the bicameral system of legislature in this State and in revising it, as requirements necessitated, much in advance of the systems obtaining elsewhere in the British Indian provinces or in other Indian States.

Thanks to that bold stroke of policy, fears have all been laid low, and a most intricate problem practically solved for the present. Those that have helped the Government to work it up and promise to continue that work deserve gratitude. I will not say more. Though the life of this Assembly is waning short, we assure you, Sir, that you can count on our utmost help and support in keeping up the tone and the diginity, the force and independence of the House which you shall guide far beyond our term of work.

As the Legal and Constitutional Adviser to His Highness, you have spared no pains and stinted no labour to bring this illustrious State and our beloved Sovereign to the forefront in the world's recognition and of illustrious circles; and we are proud of the discriminating choice of His Highness in entrusting to your hands the destinies of this land for, we believe, a number of years to come.

We want you Sir, during this period of evolution through distress. For, are we not seeing around us all throughout the world a wide and wild awakening of which the ultimate results are shrouded in breathless suspense? Are we not passing through a crisis of social and political and economic upheaval of which the far reaching consequences demand a far seeing eye? Imperial interests intertwined with the interests of this State now demand a mutual settlement on a firm basis for ordered progress in all directions; and we can look up to no man other than yourself with your love and admiration for this country to tide us safely over the ruffles that are presently to overtake us. Since you have been appointed to this high place, we have been watching with rapt anxiety your utterances and writings concerning the interests of this State, both external and internal, and we are glad to assure you Sir, that every problem that you have touched, whether it be political or administrative, social or economic, religious or communal, has been handled under the masterful guidance of His Highness with a characteristic foresight and energy that have not failed to evoke the genuine admiration and sympathy of all who wish well of their King and their Country.

Let me not make any particular reference to the various deputations that waited upon you with important matters of public interest, or to your speeches and writings in the public and the Press. For, they all point to one end; your earnest endeavour to give self expression to this country's cause, and to bring the State into the van of the most forward peoples of the Empire; and may we hope, knowing as we do your signal services to its cause, that the courageous and energetic policy which you have set out will grow from more to more, and

[Mr. K. C. Abraham.]

gather strength to strength that in the fulness of time His Highness's reign may well be renowned in the story of this land, as an era of unparalleled peace, progress and plenty. We extend to you our sincere co-operation. and wish you all success.

RAO SAHIB MAHA KAVI S. PARAMESWARA AIYAR (*Nominated*): Pray permit me, Sir, to add my tribute of cordial and respectful felicitations to His Gracious Highness the Maha Raja and to yourself, to those which have already flowed with such significant spontaneity from this side of the House. Great occasions need great men, and at a time like this Travancore requires a "Sachivothama" of your physical strength, mental equipment and moral stamina, to deal with the several problems, administrative, political, social and constitutional that confront her. A true and tried son of Mother India, a stalwart among stalwarts in the fields of administration and politics, of literature and law, gifted with an eloquence which is forcefully reminiscent of Dr. Annie Besant, an intellectual giant who has won fadeless laurels in several spheres of public usefulness not only in India but also in Great Britain, the trusted friend, philosopher, and guide of our ruling family in Travancore for many years now, you have been, if I may say so, with due respect and becoming submission, rightly selected by His Highness the Maharaja to fill the office of Dewan and you have accepted that office, at great personal sacrifice, impelled by a dominating sense of duty.

Sir, in former times we had a Rama as our Prime Minister, the Great Ramayyan Dalawa. We had also a "Valia Divanji" the equally great "Raja Kesava Das." Allow me, Sir, to assure you that it is not merely our fervent prayer, eager hope or our confident belief, but our firm expectation that, as the watchful guardian of the ever expanding interests of our dear motherland in the eventful years to come, it will be given to you to so distinguish yourself and to leave such an illustrious and enduring record behind as to enable a grateful posterity to count your name with those of Ramayyan Dalawa and Raja Kesava Das and to remember you for ever as Valiya Divanji Ramasvami Aiyar of Travancore.

MR. P. C. KURIYAN (*Kottayam I*): Sir, I too wish to associate myself with the sentiments already expressed by the previous speakers and to join in the felicitations. During the banquet given recently by the Indian princes in honour of His Excellency Lord Willingdon, the then Viceroy of India, it was His Highness Sri Chitra Tirunal who said that Native States were no anachronism, but that they were an essential ingredient of the Indian polity who could contribute much to the progress and well-being of the country. To-day His Highness has more than justified the claim he then made. What British Indian politicians could not achieve by years of agitation and what was still considered to be a goal not to be realised in the near future, has been achieved by His Highness in the twinkling of an eye. Sir, by the Temple Entry

Proclamation His Highness has not merely removed a great blot on Hinduism, but he has actually removed a great blot from Indian material life and laid the foundation for the complete unification of India.

Having said this much I would request you, Sir, to so frame the rules as to make it possible for all subjects of His Highness the Maha Raja, irrespective of caste or creed, to derive what spiritual benefits they can from the temples now thrown open.

Sir, the granting of temple entry to non-caste Hindus of His Highness the Maharaja has certainly removed a blot from Hinduism. Personally I think that His Highness will be adding more lusture to his name if the non-Hindus of the State are also allowed temple entry. (No, No, No). So I request you Sir, to convey to His Highness the request of this House to make the recent Proclamation still more comprehensive by throwing open the temples not only to all his Hindu subjects but to the non-Hindus also (No. No).

PRESIDENT: Order, order.

MR. P. C. KURIAN (*Kottayam I*): Sir, Hinduism as I understand is so liberal that it has in its fold every form of worshippers from the higher Sanadhanist to those who follow a low and crude form of worship and I do not see any reason why Christians who were Hindus about five hundred years ago are not brought under this Proclamation. Sir, my question is why a distinction is made in the matter of Christians and other non-Hindus entering the temples.

PRESIDENT: Honourable member should confine his speech to the motion under consideration.

MR. P. C. KURIYAN (*Kottayam I*): Sir, I have seen temples in British India and they are really temples of beauty, more so than most of the Museums we find.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, I rise to a point of order. Is the hon'ble member privileged to make random attacks on Hinduism in the guise of offering a few words of congratulation to the new President?

PRESIDENT: I have been watching the hon'ble member's speech and if I find any reflection on the beliefs of other sections of the House I will stop him. But I take it that the hon'ble member who is now on his legs does not intend to cast any reflection on any section of belief in the State.

MR. P. C. KURIYAN (*Kottayam I*): Sir, I was making only an appeal that other non-Hindu Christians may also be allowed the opportunity of seeing and appreciating the beauty of the Hindu temples in our State.

PRESIDENT: The hon'ble member will now turn to some other topics.

MR. P. C. KURIYAN (*Kottayam I*): Sir, I also heartily welcome you as the President of this Assembly.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Meeting as we do during the birthday festivities of His Highness the Maharaja, I deem it my paramount duty to offer my heartfelt and loyal felicitations to His Gracious Highness the Maharaja on His Highness's 24th birthday. At the same time I have great pleasure in according to you Sir, a most cordial welcome as the President of this august Assembly. Sir, it has been pointed out by my predecessors that this bicameral legislature is a product of your intelligence. Hence it is only appropriate that we express our feelings of gratitude and congratulation to you on this occasion when you preside for the first time. Sir, it is no exaggeration to say that few Dewans have had such varied experience both as an official and as a non-official, as you possess. Whether as a distinguished member of the Bar, or as a member of the World Economic Conference or of the Round Table Conference in London or as a member of the Federal Structure Sub-Committee or as a member of the Executive Council, you have left an indelible impression and have earned an undying reputation. Your wide experience of men and things, your thorough mastery of political and economic questions, your forensic ability, your versatile talents, and above all, your wonderful capacity to work hard, will stand you in good stead in carrying on the administration of this enlightened State to the maximum benefit of its people. Sir, you have been chosen as the trusted Minister of our beloved Sovereign at a most critical juncture in the annals of Travancore history when she is contemplating to join the Federation. Sir, there are very many problems to be solved and which require your immediate attention and we legitimately hope that your past record of glorious achievements will enable you to tackle these problems most successfully, so that when this period of the history of Travancore comes to be written, your name would find a place in the forefront among the distinguished galaxy of Travancore's Ministers.

Sir, let your strenuous efforts, let your wise utterances result in materialisation and beneficial action; let your efforts be crowned with success; that is my humble prayer. I once again extend to you, Sir, our warmest felicitations and congratulations.

MR. M. SIVATANU PILLAI (*Tovala*): Sir, I have great pleasure in associating myself with the sentiments expressed by the honourable members on this side of the House. It is not certainly exaggeration to say that words fail me to give adequate expression to the feelings that are urging uppermost in my mind at present. A great event of far reaching importance has been made possible to be associated with the celebration of His Highness's birthday. This day of jubilation and rejoicing is doubly blessed for this great Proclamation of granting temple-entry to those hitherto prohibited. This is really appreciated in the whole of this country and outside. Sir, I am just now reminded of the saying of that great Philosopher Poet that "great wits jumpeth", which simply means that great men agree. Am I wrong to say that this great Proclamation proves the truth of this statement. Obviously our great Maharaja was awaiting a great man's arrival as

his Minister, to agree on the promulgation of this bold, high-minded and patriotic Proclamation of cutting asunder this touch of untouchability which is a blot on Hinduism. Sir, it appears to me that it may be very easily likened to the great sermon on the Mount. It means that in future there shall not be any distinction between man and man and that there shall not be any inequality in respect of the worship of their creator in temples. I may say that this great thing for which the greatest man of the present day world works hard, and lives and once even swore to die, had been done by our benevolent Maharaja. Sir, it has given a sigh of relief to the millions of our fellow countrymen both here as well as outside. Not only is this a question of venturesome expression of a feeling for humanity but it is going to result in the salvation of future India. Not only it is a question of freedom for religious worship here in our State; but the cause of great relief to the feelings of the people of British India also as evidence of which I may refer to the so many messages that have been published day-today in the Dailies of British India. Sir, really speaking, this Proclamation, none of us who have been working for the removal of untouchability expected so soon; and if I have the permission, even to such of those who might know you intimately, any other thing would not have been a surprise; but this daring Proclamation even to them is a bolt from the blue.

Ever since your assumption of the administration, I have been watching you, though at a distance and listening to your replies to the several deputations that waited on you with very important representations. I noticed from them that you are all-absorbed and extremely anxious to promote the prestige of our State and thereby serve well by our king. Now I ask you, Sir, whether this Proclamation has not already vouchsafed for our State, abundance of prestige for which you dream day in and day out. I ask you, Sir, could prestige for our State go further? Our State by this one noble act of our Maharaja has already secured an abiding place in the hearts of millions and has been acclaimed to be a model for others to follow. The prestige of our State is safe in your hands. Sir, our feelings of heart felt welcome burst forth to you spontaneously on this celebration of the birthday of our Maharaja, the emancipator and the deliverer of God's creatures on earth who have been hitherto trodden underneath. But now they can stand erect as men relieved, as people freed and they could breathe freely having been restored to God-given self-respect. Sir, I stop here and wish you all success.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Sir, on behalf of the National Party which represents the youth of the country and as the representative of Commerce and Industry I beg to offer the Party's welcome to you. First of all let me be permitted to place on record our heartfelt feelings of loyalty to His Highness the Maharaja. In recent years, we people in Travancore have become dull and unimaginative. What the country's commerce and industries

[Mr. P. Chidambaram Pillai.]

specially wanted was neglected and when we heard about the forward policy, which you initiated as regards the industries of this country, we foresaw a bright future for the country. I am able to count that in the past there are so many achievements which are standing to your credit. We expect and we hope for a very successful administration.

MR. G. NILAKANTAN (*Nominated*) : On my behalf and on behalf of the backward communities which I represent I take it as a privilege to associate myself with what has been said by the previous speakers, especially with what has been so feelingly put by my friend on the right side. No person is better fitted to be welcomed as the President of this Assembly with sincerity and warmth of feeling than your worthy self in virtue of the fact that our legislative reforms of which this Assembly is the most important item have been brought into existence under your inspiring constitutional advice and of the fact that it prepares the State of ours to take its legitimate part in the all-India Federation in the scheme of which you have taken not an unimportant part. Under you it is hoped that the legislative bodies will be more and more liberalised as our Hindu Religion purged of its unapproachability and untouchability has been liberalised and beautified. Sir, I cannot miss this opportunity to request you to communicate the profound feeling of gratitude of the backward communities to the noble sovereign for bringing out a person of your eminence to become the President of this Assembly, your handiwork and school of politics in which all classes of His Highness's subjects are trained in political education. I also request you to convey to His Gracious Highness that the members of the backward communities to whom the consolation and solace of Hindu faith has been denied hitherto, will, when standing before the Deities, first offer their prayers not for their own salvation, but for His Highness's longlife and prosperity and the glory of His Highness, for the promulgation of the Temple Entry Proclamation, which is going to truly spiritualise the Hindus. They are also thankful to the Minister who has wholeheartedly supported His Highness in this noble endeavour,

SRIMATHI T. NARAYANI AMMA (*Nominated*) : Sir, I have very great pleasure in supporting the motion and associating myself with the sentiments expressed by the previous speakers. The appointment of your esteemed self, as the Dewan of our State, has already been abundantly justified. We are now witnessing the dawn of a new era of all-round reforms, the most important of which is the Temple Entry Proclamation. We, the loyal subjects of His Gracious Highness the Maharaja, have to be profoundly grateful to His Highness for the very happy selection made for the Dewanship of our State. May His Highness live long to reign from more to more. With these words I extend to you, Sir, a very hearty welcome.

MR. T. T. KESAVAN SASTRI (*Nominated*) : ഞാൻ വളരെ സന്തോഷത്തോടും ആഹ്ലാദത്തോടുംകൂടി അഭിനന്ദനം രേഖപ്പെടുത്തിക്കൊള്ളുന്നു.

സർ, തിരുനാൾ വാരം തിരുവിതാംകൂർ പ്രജകളായ അൻപത്തൊന്നുലക്ഷം ജനങ്ങളെ ആനന്ദസാഗരത്തിൽ ആറാടിക്കുന്ന ഒരു അപൂർവ ഘട്ടമത്രേ. ശ്രീ ചിത്തിരതിരുനാൾ മഹാരാജാവു തിരുമേനിക്കു ഇരുപത്തിനാലു തിരുവയസ്സു പൂർത്തിയായിട്ടുള്ള ഈ സന്ദർഭം, തിരുവിതാംകൂർ പ്രജകളെ പൂർവാധികം ആനന്ദതുന്ദിലരാക്കി തീർത്തിരിക്കുന്നു. വിശേഷിച്ച് സകല ഹിന്ദുക്കൾക്കും ക്ഷേത്രപ്രവേശനവും ആരാധനാസ്വാതന്ത്ര്യവും കല്പിച്ചനുവദിച്ചുകൊണ്ടുള്ള തിരുവെഴുത്തുവിളംബരം ഹൈന്ദവലോകത്തെ ആകമാനം പുളകിതരാക്കിത്തീർത്തിരിക്കുകയാകുന്നു. അത്ഭുതപൂർവമായ ഈ സംഭവം തിരുവിതാംകൂർ രാജ്യചരിത്രത്തിൽ ആശ്ചര്യകരമായ ഒരു സ്വർണ്ണാദ്ധ്യായത്തെ കുറിക്കുന്നതാണല്ലോ. സർവോപരി പ്രജാവാത്സല്യത്തെ മുൻനിറുത്തി രാജ്യപരിപാലനം ചെയ്തുപോരുന്ന പൊന്നുതമ്പുരാൻ തിരുമേനിയും തിരുമനസ്സിലെ ആത്മസാക്ഷാൽക്കാരിണിയും, മഹാമനസ്വിനിയും ആയ അമ്മതമ്പുരാൻ തിരുമേനിയും പ്രജകളുടെ മാത്രമല്ല ഹൈന്ദവസമുദായത്തിന്റെ അഭേദ്യമായ നിത്യാരാധന സമാർജ്ജിച്ചു കഴിഞ്ഞിരിക്കുന്നു ഇതിൽപരം ഒരാഹ്ലാദം തിരുവിതാംകൂറുകാർക്കു പൊതുവേ പ്രത്യേകിച്ച് അധഃകൃതർക്കും അവർണ്ണർക്കും വേറെ ഉണ്ടാകാനില്ല. തിരുമനസ്സുകൊണ്ട് കല്പിച്ചു മഹാനായ അങ്ങയെ ഇവിടെ മന്ത്രിയായി നിയമിച്ചതിലും അവിടുന്നു തിരുമനസ്സിലെ വിശ്വസ്തമന്ത്രിപദം സ്വീകരിച്ചതിലും ഉള്ള അനുമോദനവും ഞാൻ ഇവിടെ രേഖപ്പെടുത്തിക്കൊള്ളുന്നു. തിരുവിതാംകൂറിനെ ഭരിച്ചിട്ടുള്ള മന്ത്രിമാരിലൊരുത്തർക്കും ഏതാവൽപര്യന്തം സാധിച്ചിട്ടില്ലാത്തവിധത്തിൽ പൊതുജനങ്ങളെ ഹഠാദാകർഷിക്കുവാൻ അങ്ങേക്കു സാധിച്ചു. അവിടത്തെ തിരുവിതാംകൂർഭരണം നിശ്ചയമായും ശുഭപര്യവസായിയായിത്തീരുമെന്നു നിസ്സംശയം അഭിപ്രായപ്പെടാവുന്നതാണ്. ഊർജ്ജസ്വലനും ബഹുമുഖധിഷണാശാലിയുമായ അങ്ങയുടെ നേതൃത്വം തിരുവിതാംകൂറിന്റെ വിവിധാഭിവൃദ്ധിക്കു സാഹായ്യമാണെന്നു വിശ്വസിക്കുന്നവർ അനേകരുണ്ട്. വലിയവരും ചെറിയവരും എന്നുവേണ്ട തിരുമനസ്സിലെ പ്രജാവലികൾ എല്ലാം തന്നെ അങ്ങയുടെ രാജ്യസേവനശ്രമങ്ങളിൽ മനമുററു സഹകരിക്കുമെന്നു എനിക്കു പൂർണ്ണബോദ്ധ്യമുണ്ട്. എത്രയും വേഗത്തിൽ ഇതിലുമുപരി ഭാവുകാഭിവൃദ്ധിയിൽ തിരുവിതാംകൂർ മേൽക്കുമേൽ പരിലസിക്കാൻ സംഗതിയാകട്ടെ എന്നു സർവാത്മനാ ആഗ്രഹിക്കുന്നു. പൊന്നുതിരുമേനിയുടെ ഭാസുരമായ സൽകീർത്തിയിൽ ചാരിതാർത്ഥ്യം കൈക്കൊണ്ടും അങ്ങേ ഭരണത്തിൽ അളവററ സന്തോഷം പ്രകടിപ്പി

[Mr. T. T. Kesava Sastri.]
ച്ചുകൊണ്ടും രാജ്യാഭിവൃദ്ധി സദാ പ്രത്യാശിച്ചുകൊണ്ടും, എന്റെ അഭിനന്ദനം ഇങ്ങനെ രേഖപ്പെടുത്തിക്കൊള്ളുന്നു: ... സർ,

സൂര്യനസ്തമിക്കാത്ത ഭൂമിക്കങ്ങേകാധീശൻ
ആര്യവീര്യാഭിരാമൻ ബ്രിട്ടസാമ്രാട്ടുപോലും,
ഏതൊരു വിശിഷ്ടനാം വ്യക്തിയെ സമാദര
പൂർവ്വം ഹാ! പൂജിക്കുന്നു വാഴ്ത്തുന്നു നിരന്തരം.
ലോകൈകമഹാമതി സർവ്വതന്ത്രസ്വതന്ത്രൻ
സർവ്വലോകപ്രസിദ്ധൻ സജ്ജനസമാരാദ്ധ്യൻ
സർ. സി. പി രാമസ്വാമിഅയ്യരാം മഹാഭാഗൻ
വിഖ്യാതഗുണനിധി വിദുഷാമഗ്രേസരൻ
അഖിലലോകകീർത്തി സിദ്ധിച്ച ഭാരതീയ
മഹിതസന്താനൌഘമാല തൻ നടുരത്നം
വിദിതരാജ്യതന്ത്രവിജ്ഞരിലഗ്രഗണ്യൻ
മഹിതസ്വഭാവനാമങ്ങിങ്ങു ജയിച്ചാലും. !!

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Sir, on my own behalf and on behalf of the Independent Party of this House, I have great pleasure in endorsing fully the sentiments of appreciation and felicitation expressed on the floor of this House. Sir, we also welcome you as the new President of this House. We are to-day meeting here at the ninth session of this Assembly; and this is the first session under your presidency. The number nine is a very good number; it has got very many good things in store. We are now meeting amidst the rejoicings in connection with the birthday of His Highness the Maha Raja. Our feelings of joy have been heightened by the fact that, in connection with the birthday celebrations, the momentous Proclamation, throwing open all the temples under the control of the Government to all classes of people, has marked another mile stone in the progress of Travancore. Sir, we are all aware of the famous *Pattom* Proclamation of the year 1040 M. E. That has been rightly called the Magna Charta of the Travancore ryot. Sir, if that is the Magna Charta of the Travancore ryot, this recent Proclamation, which His Highness has been graciously pleased to issue and in framing which you were privileged to tender proper advice to His Highness, is, in its wide sweep, in its far-reaching effect and in its humanitarian appeal, worthy of being placed side by side with some of the famous edicts of the Emperor Asoka the Great. Sir, this Proclamation is not only of Travancore importance. It will have repurcussions in the whole of the sub-continent of India, nay, in the whole world.

Sir, permit us to judge you and your work on another occasion. Now we have only to welcome you since this is the first occasion when

you preside over the deliberations of this House. As you yourself have observed on another occasion, when you lay down your office, that will be the proper time and occasion for us to judge your work.

I request you, Sir, to convey our respectful felicitations to His Highness the Maha Raja.

PRESIDENT: The words to which I have listened and the manner in which the sentiments that have been uttered were couched, have filled me with an overwhelming sense of gratitude as also of embarrassment. But, in one matter, I have no sense of uneasiness or dubiety or embarrassment and that relates to the unanimous, consentaneous desire on the part of all sections of this House, which is an embodiment and a microcosm of the State of Travancore, to felicitate His Highness the Maha Raja on this happy and auspicious occasion of His birthday. It will be my privilege, as it will be my very great pleasure, to convey to His Highness those sentiments which have been so well expressed.

The occasion has also been taken to refer to a very momentous and far-reaching act by which His Highness has signalised his reign. His Highness has thereby ranged himself by the side of the great helpers of humanity who have raised the self-respect and elevated the status of the masses of this country. (*Hear, hear. Cheers.*) The problems of the world to-day in essence are not political; they are really social and economical. In the rehablitation of the self-respect of every component part of humanity, and in the vindication of their self-respect, in the granting of equality of opportunity and of aspiration, a great service has been done. It will be my duty as well as my privilege to communicate to His Highness the general sentiment throughout India of which you have voiced the expression.

Now, turning to the remarks that have been made about me, I may without reserve voice my feelings of embarrassment. This is the first time that I have been called upon to fill the presidential chair of any Assembly. It has been given to me to be a non-official member of every kind of chamber in India. I have been a non-official member of the Madras Legislative Council; I have been a non-official member of the Council of State; I have also been a non-official member of the Legislative Assembly. It has also been my privilege to be the Leader of every kind of Assembly in India. But there are two offices which I have not filled till now, namely, the Judgeship of a High Court and the Presidentship of an Assembly. Fifteen years ago, the honour was done to me of offering a Judgeship in the Madras High Court. At the risk of appearing somewhat trivial and frivolous, I may mention to you the answer I gave. I said, I preferred to talk nonsense for a few hours every day than to hear nonsense all day long. (*Laughter.*) But, that is a pure digression. As I have stated, I have not occupied the presidential chair of any Assembly and from the mistake in procedure that I made this morning, you can well realise that this is my "prentice" effort. (*Laughter.*)

[President.]

In my tenure of this seat, I crave your indulgence and your forbearance. But I know that the seat that I occupy is one charged with great responsibilities and great duties. This Assembly has already established fine traditions. My predecessor, Sir Mahomed Habibullah, my great friend, who was also my colleague in the Madras Executive Council and in other spheres, has set an example which may be hard to follow. There are few things in which he excelled more than in the suavity of his manner, the way in which he dealt with opposition, in the way in which he brought together and harmonised various people. May it be given to me to emulate those qualities of my predecessor. As I said elsewhere, Travancore is a country where the people are highly educated and alert and watchful. And may I say, Travancore has a very "curious" legislature, curious not in the ordinary sense, but curious in the sense that it is full of curiosity as I found this morning when listening to the interpellations and supplementary questions. (*Laughter*) It will be my duty to help you in every possible way. It will be my privilege to uphold your privileges. It will be my constant preoccupation to bring into existence traditions which will make the Travancore Legislature the equal of any legislature in this country.

Now, various administrative and other problems have been referred to. But the answer that I shall give is the answer which has already been forestalled by the last speaker. You have spoken of what I have done in the past. I do not propose to refer to that aspect of the matter. I should only refer to the opportunity that has been given to me to be of service to His Highness and to the people of Travancore. I shall only advert to my earnest and abiding desire to render such service and to devote such energies as I have at my disposal (the whole of my energies and time are now pledged to Travancore and to His Highness the Maha Raja of Travancore) for the solution of the problem before me. You and I are confronted with many difficult problems, problems which are domestic, problems which are economic and problems of wider application. There is the question of the rehabilitation of the industries of this country, of making it something more than purely an agricultural country, of supplementing and augmenting its resources. There is the other problem of the Federation. Our entry into it is fraught with great consequences. It is not a subject which can be dealt with summarily. There are many points to be considered, many circumstances to be kept in mind, many aspects which cannot be ignored or forgotten.

If, some time later, you can say that, under the guidance of His Highness the Maha Raja, I was able to safeguard the interests of Travancore, uphold its position, make its status, *vis a vis* other States and Provinces in India, worthy of its past and of its possibilities, then shall I have justified myself; and not till then; (*Hear, hear,*) and, moreover, in all that I do, believe me when I affirm most sincerely that I shall endeavour to take the Legislature with me, that I shall endeav-

our whenever possible to take the Legislature into confidence. It will be my ambition to make this Legislature a vital element of the body politic of Travancore. (*Hear, hear.*) It is in that hope and in that expectation, with those aspirations and with those ideals, that I shall occupy this Chair.

I thank you fervently and from the bottom of my heart for the very kindly sentiments to which I have listened with gratitude and pleasure, with pride and with humility. (*Cheers.*)

STATEMENT LAID ON THE TABLE.

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*) : Sir, I beg to lay on the table the following statement of expenditure authorised by the Government under Section 32 of Regulation II of 1108.

Demand.	Amount in Rupees.	Particulars.
1. Public Works Department.	33,000	For the payment of the balance amount due for the purchase of a Grab Dredger for the Alleppey Port, etc.

PANEL OF CHAIRMEN.

PRESIDENT: Under Rule 3, sub-rule (2) of the Travancore Legislative Rules, I nominate Mr. K. C. Abraham and Mr. Pacode A. Narayana Pillai to the Panel of Chairmen for this session of the Assembly.

LEGISLATIVE BUSINESS.

THE TRAVANCORE AGRICULTURISTS' RELIEF BILL.

PRESIDENT: We shall now take up the consideration of the Travancore Agriculturists' Relief Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, we are at the third reading stage of the Agriculturists' Relief Bill. Before I make the motion for passing the Bill, I have certain amendments to place before this House and shall proceed to move them one by one.

The first amendment I move is as follows :

"*In Clause 3, omit the Proviso to sub-clause (1) (b).*"

The Proviso in question reads as follows : —

"Provided that the jurisdiction of the Boards established under Section 3, sub-clause (1) (a) shall be so defined and adjusted as to include the whole State."

[Mr. Kayalam Paramesvaran Pillai.]

It is not perhaps necessary for me to recall to honourable members of this House the effect of this Proviso or the object with which it was introduced by an amendment at the second reading of the Bill. I may however recapitulate briefly, so that honourable members may appreciate the necessity for omitting this Proviso. The proposal contained in the Bill was to the effect that Government may establish Conciliation Boards and the Government should be given power to determine and adjust the local limits of the jurisdiction of each Board. I have expressed more than once, in this House, this conciliation scheme should be treated as an experimental measure and we should proceed cautiously by establishing one or two Boards and trying to limit the jurisdiction of each to a very compact area.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I rise to a point of order. This is a very important matter and I wish to have a definite ruling on it. As the Law Member has just now told us, this proviso is the result of an amendment moved by this House at the second reading stage. The matter was fully discussed and this Proviso was adopted by this House. I wish to know whether under such circumstances an amendment can be moved at the third reading to nullify the effect of what has already been done. I can understand that an amendment can be moved to a clause which has not been discussed or if the amendment was constitutionally necessitated. I wish to know whether in this case an amendment can be moved at the third reading stage.

PRESIDENT: A point of order has been raised with regard to the amendment now sought to be moved by the Law Member. Honourable members will see that Standing Order 46 (4) says,—

> "At this stage of the motion for passing the Bill, and prior to the making of the motion, the Assembly shall consider the amendments, if any, moved on behalf of Government. No amendments other than those connected with the amendments moved on behalf of Government shall, without the special permission of the Dewan, be brought up for consideration at this stage."

My ruling is that at this stage it is open to the Law Member to move the amendment which he is now making. As a matter of fact, so long as the amendment is in order under the rules appertaining to amendments, no objection can be taken to the contents or form of the amendment that can be moved at this stage. For that reason I allow the amendment to be moved.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I had expressed more than once in this House that this conciliation should be treated as an experimental step. In view of that and to some extent on financial considerations also the idea of Government is to establish one or two boards at the outset and gradually to extend the boards throughout the State.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): How long will it take to extend the Boards throughout the State?

MR. KAYALAM PARAMESVARN PILLAI (*Additional Head Sirkar Vakil*): That will be done gradually.

It has also been my idea that the jurisdiction of the Board should be compact so that the conciliation officer may have a grip of each case and be enabled to deal with each adequately and to the satisfaction of the parties. The criticism was however levelled against the Government proposal that under that the benefits of conciliation would not be available to all the subjects of the State. That criticism was no doubt true. As a matter of fact that criticism was even a compliment to my Bill in that it implies conciliation boards are useful and necessary. But, I felt, and I do feel now also, that the amendment suggested was such that it will compel Government to establish a very large number of Boards operating throughout the whole State. The amendment was to the effect that the jurisdiction of all the Boards together should extend throughout the State. It was not apparently possible to move an amendment to the effect that Government should establish a specific number of boards. So the same thing was sought to be achieved by this amendment, namely, that even though there be but one or two boards, these Boards should together have jurisdiction throughout the whole State. This I felt was an impracticable proposition. To establishh a few Boards with such extensive jurisdiction extending throughout the State would be worse than useless. I deliberately say 'worse than useless' because conciliation will not be done effectively or expeditiously and at the same time there will be a complete paralysis of the administrations of justice through the civil courts. The House did not accept my views and passed this amendment I have taken time to reconsider this matter; and I am prepared to meet the views of the House to some extent, though I cannot even now agree to the amendment. It may be possible for Government to establish a larger number of Boards, say five or six or even seven or eight, so that a larger area may at the same time be under the operation of the Boards. In saying that I am not committing myself to any specific number. All that I say is that it is possible to increase the number of boards. That would be one way of meeting to some extent the desire of the House. Another way would be to enlarge the local jurisdiction of the Boards. My idea at one time was that the local jurisdiction of the boards should be very small and should never be the same as that of a civil court. I am prepared to suggest that Government may give a larger local jurisdiction to each board. Government may do all these. But still I find myself unable to accept the proposal in the proviso, namely, that the entire State should be the jurisdiction of all the boards together and that Government should be committed to it statutorily.

Sir, I do not want to repeat all the arguments that I advanced at the second reading stage of the Bill. But I do wish to say that the local jurisdiction of the Boards should be compact. It cannot be suggested that the local jurisdiction of a Board should be anything like that of a court. The civil courts administer justice according to law,

[Mr. Kayalam Paramesvaran Pillai.]

Honourable members, particularly those who are lawyers will understand the meaning of the phrase 'administer justice according to law.' To illustrate it, if a promissory note is executed for Rs. 100, the Court should according to law order the payment of Rs. 100. That is the law. But the Conciliation Boards are not bound by any such law; they judge according to the discretion and according to the varying circumstances. So, the administration of justice, if I may say so, through these Boards is entirely and fundamentally different from the administration of justice as administered by the civil courts. This makes it difficult for the conciliation officer to determine what would be right in each case. He has to exercise greater care than the civil courts. He has to act as the friend, philosopher and guide of the contending parties before him. I may also say that one of the instruments for effecting conciliation between the parties would be the advancing of money by some recognised bank to pay off the conciliated debts. This would require the valuation of the assets of the debtor and naturally it will take the conciliation officer a long time for a correct valuation of the assets of the debtor. So he should not be made to function in a very large area. He must also function very expeditiously because certain other provisions of this Bill require that so long as the Board is seized of a case the civil court proceedings in respect thereof should be stopped. I may mention that there is an amendment proposed in regard to that also later on. However, it is necessary that if the civil court proceedings are to be stayed because conciliation proceedings are pending the conciliation should be carried on expeditiously.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether it is intended to make these Boards itinerant bodies?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not quite itinerant bodies. My idea is that if a conciliation Board finishes its work in one particular area, it may be transferred to another area. What I mean by that is, if the Board established in a particular place is able to finish, say, 900 cases out of 1,000, then, the question of transferring the Board to another jurisdiction can be considered and it could be established in a different area. I trust that the House will appreciate the fact that the Board has to function as expeditiously as possible both in the interest of the debtor as well as the creditor and also on grounds of public policy, so that the civil court proceedings may not be stayed indefinitely. If the proceedings of the civil courts are to be thus stayed indefinitely, it will not only do injustice to the creditor classes but it will affect the fabric of the general credit system of the State as a whole.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is it the opinion of the member that this Bill is unworkable?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It will be workable if it is amended as I suggest.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is it just to ascertain the workability of this new Bill that this amendment is suggested by the Law Member?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, not merely to ascertain. I am saying that the Bill will be workable if it is amended as I suggest. Conciliation must be considered to some extent as an experimental measure, because it has not been tried yet. Therefore we have to proceed very cautiously. The field of conciliation is an unexplored ground and let us go cautiously.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is it not possible to make it applicable throughout the whole State?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It would not be practicable. I can say that firstly there must be a very large number of proper men to be appointed as Conciliation Officers if the whole State is to be operated by conciliation. Then we must have rules or procedure. This again is a new ground. We have to experiment and experiment and make it a success.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): That is why I ask whether this Bill is to be tried as an experiment?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have no objection if the member wants to put it like that. I have mentioned all the facts. The idea is to appoint four or five Boards and see how it works. We have also to look to the financial aspects of it.

PRESIDENT: The House will now adjourn and meet again at 2 o'clock.

The House adjourned at 1. 2. P. M. and met again at 2 P, M. with the President in the Chair.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): When the House rose for lunch I was trying to explain what I meant by saying that conciliation should be treated as an experimental measure. When I said that, I did not mean that the whole Bill is to be tried as an experiment. What I meant by that was that the principle of conciliation is an untried measure and in that sense an experiment; we have not any example of conciliation having been worked for any considerable time in any place. And also, we do not know whether it has worked effectively wherever it was tried and it has not been tried in many parts of India. We have therefore to go very cautiously, and we have necessarily to watch how conciliation works before extending it. It may not be possible for the Government to appoint as many Boards as are necessary to serve the whole State at the same time, though it is the intention of Government to bring the relief by conciliation to the home of every debtor and creditor. We may establish some seven or eight or say nine, Boards having jurisdiction over some limited areas in the State. It is not possible however to cover the whole State within its jurisdiction. There must be some limit to the extent of jurisdiction.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): By establishing eight or nine Boards may I know what portion of Travancore will be covered as their jurisidiction?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is a very difficult question to answer just now. Any way the whole of Travancore cannot be covered.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Then may I know how many Boards will have to be established in that manner?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I can only guess and that roughly. About sixty Boards may be necessary if the whole State is to be served. Nobody knows what is conciliation and how it has to be worked, and all that. It may look all right on paper but when it begins to be put into action difficulty will arise.

MR. S. J. NAIR (*Nedumangad*): Then may I ask the member to delete the whole of that para 2 of that amendment?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): My amendment is not that.

Conciliation is a new measure and we cannot dogmatise on it too much. It may appear very well on paper, but in practice, we cannot be too sure.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know whether the Boards are working satisfactorily in other parts of India?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): So far as reports go, there are different opinions. One opinion is that they are not working satisfactorily.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is not the working of Conciliation Boards further extended in places such as Madras and Mysore?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not think so. In Madras, the Act was only passed just now and the Rules have not been finallay issued.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether they have been increasing the number of Boards or reducing them?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not quite sure. In Madras, it is not even started. That however, is not the real point here. So far as Travancore is concerned the measure of conciliation is a new step and we must proceed cautiously and our conciliation scheme is more comprehensive than anywhere else. In Madras, the whole province is not to be served by Conciliation Boards at the same time. Same is the case in Punjab and Central Provinces. Therefore I am asking the House to consider whether they will advise Government to cover up the whole State with Boards, to start with.

MR. K. C. ABRAHAM (*Kottayam II*): Is it the opinion of the member that the Government should declare which area to be governed by the Conciliation Board?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. The whole of Travancore can be so declared to come under Conciliation Boards, not now, but only after seeing how far conciliation works successfully in the jurisdictions to which they have been extended. If for instance Mr. S. J. Nair's constituency is to be brought under one particular Conciliation Board and if the work proves successful then I should not come back to the Assembly to ask their permission for transferring that Board to or establishing another Board in another centre, say Neyyattinkara. All that I want the House to do is that Government should be given power to estalish Boards with limited local jurisdiction.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Am I to understand the member to mean that it is on the principle of basic necessity or ambition that Boards are established in different centres of the State?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government feel that the present deplorable condition of the debtors is sufficient justification for appointing Boards. But that does not mean that it can be extended to every debtor, to start with.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know whether in case the few Boards that are set up prove successful, Government will undertake to provide Conciliation Boards for the entire State?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That again is a difficult question to answer categorically. If the Boards established prove successful, Government will certainly extend it to other parts of the State. Even then the *whole* State may not be brought in at once. It is the ambition of Government to have Boards over the entire State but the principle of conciliation has to be tried, to start with. The simple question for determination is whether there should be a limited number of Boards having jurisdiction over closely defined areas in the State or over the State as a whole. I have said that Government can provide only a limited number of Boards. That discretion of Government remains unchallenged and there is no attempt to compel Government to establish any specific number of Boards. That being so, is it right to compel Government to make the whole State the local jurisdiction of these few Boards?

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*) Is it due to want of sufficient funds that there is difficulty for establishing sufficient number of Boards?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is also one aspect of the matter to be considered though that is not the main objection. The Board Officers are not honorary men; they are to be Government servants and that means that they must be paid. They should then have each a staff. Then we want registers, summons forms and so on. Copying staff will have to be engaged. Notices will have to be served. All these require money. And all this is to be spent on an experiment. Therefore, there should be some limit to the money to be spent.

[Mr. Kayalam Paramesvaran Pillai.]

I make bold to say that the House will decide that it is not at all desirable that the few Boards should have the whole State as their local jurisdiction.

I may add that it is with some hesitation I move this amendment which is really to ask the House to review the decision it gave at its second reading. But I have done so with a full sense of my responsibility and perhaps, I must say unambiguously that I may find it impossible to take the responsibility for carrying out this measure or to take this Bill to another stage if the Bill is to contain the proviso which I seek to omit. The House should not misunderstand me. I must say what is in my mind. I would appeal to the House to appreciate my difficulty.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is it because that the Government are unable to proceed with the Bill?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not, quite like that.

As mover of the Bill I say that I may find it impossible to take the responsibility for carrying out the scheme of conciliation or even to proceed with the Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): If the Government establish a limited number of Boards having certain jurisdiction throughout the State and if it proves successful is it not possible to increase the number of such Boards if they find the work becoming heavy as and when they are convinced, just as is being done in the case of civil courts?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. It is quite possible. That arrangement is quite acceptable to me and that is what I am suggesting myself.

MR. P. C. KURIYAN (*Kottayam I*): May I know the number of Boards that is proposed to be established by Government?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): About seven to ten.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second the amendment.

MR. PUTHUPALLY S. KRISHNA PILLAI (*Quilon II*): Sir, I feel constrained to observe that it has become the duty on the part of the members on this side of the House to oppose this amendment. The various arguments advanced by the Law Member in support of the amendment that is proposed are to my mind not very convincing. In Mysore and other places power has been conferred on the Government for the establishment of Boards as and when Government deem it fit to do so. I quite agree with him there. In the Madras Act, it is stated that the Local Government may establish Debt Conciliation Boards for a district or part of a district. A similar provision is found in the Mysore Regulation also. I agree that we shall not as a rule impose compulsory obligations on Government. I accept that it is correct on principle. But it will be remembered that this amendment was moved by my honourable friend Mr. T. P. Velayudhan Pillai under rather peculiar circumstances. There

was a rumour here set afloat when the Select Committee report was discussed that Government had no idea at that time of establishing more than three or four Boards, and its effect was understood by the members of the Assembly only a little before that discussion. There was no talk about it at the first reading of the Bill or at the discussion in the Select Committee. But when we were summoned to discuss this Bill it was understood that that was what the Government contemplated. It will be found on a perusal of the provisions of the Bill that if Conciliation Boards are to be established only for limited areas it would be conferring upon the debtors of the whole State no appreciable benefit. It was found on a careful analysis of the provisions of the Bill that beyond the Board there was no proposal conferring any substantial benefit on the indebted agricultural population of the State. It was as a result of this idea, it was, as it were, that we were impelled by this dominating idea that various amendments were proposed. The chapter on the establishment of Conciliation Boards deals fairly with the powers that have to be conferred upon the Boards which, according to our opinion, would give the debtors some adequate relief. There is a provision for scaling down interest or principal for payment in fixed instalments and various other kinds of reliefs. That would be a proper relief so far as the general agriculturists are concerned. Probably it might have been with the idea that Government will not be able to establish the necessary number of Conciliation Boards that the mover of the Bill thought it fit to include certain temporary provisions. I find that they are dealt with in Chapter III of the Bill. But it is submitted that these provisions are thoroughly inadequate. I find that relief to the debtors may be given by reduction in interest as well as principal, direction to pay in instalments and advancing money at cheaper rate of interest. These are some of the accepted methods of relief to the debtors. All these three are available to the debtors when the Conciliation Boards are worked. In areas where Conciliation Boards do not exist, the proposed reliefs are to be sought for in Chapter III. Clause 33 deals with instalment payments; but a careful reading of it would show that, that provision is thoroughly inadequate because every creditor, who I find is dead against this law, can evade the operation of the Section. What we find is that the court executing a decree may direct that the amount may be paid in instalments. That order can be passed by the execution court only if there is an application pending execution. This direction to pay in instalments can be given by the execution court only if an application is made by the creditor to execute his decree. What will happen if he does not care to execute the decree that he has already obtained. Have the execution courts any power to say that these decree amounts shall be paid in a particular period or is it open to the judgment debtor to request the court to call for such decrees and pray for proper orders. The execution courts, under the provisions, are competent to pass orders for the payment of the amount in instalments only when the judgment creditor applies for the execution of the decree and not at the request of the judgment debtor. In the case of holders of registered decrees

[Mr. Puthupally S. Krishna Pillai.]

they have got the privilege to wait for six years. This provision confers power on the execution court only for a period of three years from the commencement of this Regulation. Those who have obtained registered decrees can very well wait without applying for execution. The Law Member may say that the debtor thereby gets a period of three years. But the interest will be accumulating in the mean time. If he does not go to execute the decree within three years it may be possible for the decree holder to prevent the judgment debtor from claiming the benefit of clause 33. The power conferred can be exercised only when the court is executing the decree. Clauses 34 to 36 relate to the reduction of interest from 1105 till the passing of this Regulation and thereafter for a period of three years. The provision relating to the reduction of interest for the period between 1105 and 1112 was one that was introduced in this House at the second reading of the Bill. It was very stoutly opposed by the Law Member, but it was passed because the majority of the members were for the amendment. If the Board is not established and if the decree holder does not go to execute the decree there is no benefit available to the debtor whose burden had already become unbearable. The provision relating to reduction in the rate of interest from the commencement of the Regulation for a period of three years was nothing. So clauses 34 and 36 were passed as they now stand. Now I find that these provisions are also sought to be deleted by certain amendments brought forward by the Law Member. If those amendments are accepted the position will be this. In the first place we must agree that the Government shall have power to establish only a few Conciliation Boards which would be operating only in a very limited area of the State. It clearly shows that a vast majority of the agriculturists will be left without the help that will be afforded by the Conciliation Boards. Let us see what help is rendered to those debtors. In clause 33 it is stated that power conferred upon the execution courts can be made available only when the court is executing the decree. It can be granted by the court only if the creditor presses his claims. What will happen if the creditor does not do it? Clauses 34 and 36 as they now stand would have conferred some benefit on all debtors even if they did not get the benefit of the Board or the facilities for payment in instalments under clause 33. The Law Member's amendment takes away this benefit also. A good portion of the debts that are now in existence and that have become unbearable will not be covered by the provisions of this Bill. In that case what the Dewan said to the representatives of the debtors who waited on deputation on him cannot be correct. I may be permitted to refer to his observations. It is stated—"the Government are particularly anxious that the agriculturist should not feel that the burden is so heavy upon him that there is no incentive to toil and no stimulus to redemption. It would be an evil day when the small agriculturist feels that his future is so dismal and dark that it is hardly worth his while to toil in the field, that the burden of his debts is so terrible and crushing that without its being lifted to a certain extent his self-respect will not be restored and his incentive to work will not come

back to him." If that is the principle that has to be borne in mind in accepting the amendments that have been brought forward by the Honourable Law Member, can it be said that we are offering even a fraction of what the Dewan has promised? I want the honourable members of this House to understand the exact import of the Bill when it is passed after accepting the amendments proposed by the Law Member. It made me a little nervous when I listened to the last statement because the Law Member..........................

MR. A. THANU PILLAI (*Trivandrum-Rural*): Why should the member apprehend that all the amendments of the Law Member will be carried?

MR. PUTHUPALLY S. KRISHNA PILLAI (*Quilon II*): That is a very pertinent question. Experience Sir; experience. That is all. It is an acknowledged truth, a forcible statement that the debtors are not confined to particular areas in Travancore. The report of the Agricultural Debt Redemption Committee tells us in bold terms that debt problem is a problem which affects the whole of Travancore. There is no particular area as we find elsewhere where the agricultural indebtedness is more acute than in other places. It is a general problem affecting the whole State. If that is so what is the benefit that the Government is going to confer upon the debtors as a class. Let them have one benefit available to all alike. The least harmful, the least objectionable is the Conciliation Board. Why not this house make at least that available to all debtors? Even if the Government object, it is our duty to protest.

I can understand why the learned Law Member has told the House that if this amendment is not accepted he will not be responsible if the Bill disappears. I do not presume as my learned friend Mr. Thanu Pillai said that this or any other amendment will or will not be accepted by this House. But I am not so sanguine as my learned friend to think that this amendment will not be accepted. There is the fact that we cannot ignore the principle or the strong force of the principle underlying the amendment. The Law Member wants these Boards to be appointed in an experimental way as a means of relief to debtors. The impossibility of appointing more Boards was caused, he argued, by two facts. Firstly, lack of proper men to be appointed as members of the Board and secondly, lack of funds to meet establishment charges. Now, Sir, if it is a necessity which demands prompt action and attention, a necessity which is felt by the bulk of the population of the State, is it a matter in which Government could stint? In matters where Government have been less convinced of the necessity they have contributed ample funds. For the settlement of Jenmom lands Government did not grudge spending money. Are we not faced with a graver danger here? Is not our responsibility more serious here? There are not many who are not debtors in Travancore. More than 90 per cent of the people are agricultural debtors. Is it not the duty of Government to find funds for a purpose which will serve such a vast majority? Therefore the argument that the Government find it difficult to finance

[Mr. Puthupalli S. Krishna Pillai.]

is not a convincing one. I am quite sure that no liberal Government would find any difficulty in finding funds to meet the cost of such ameliorative institutions. The learned Law Member is convinced that the necessity can be safely met by the establishment of only five or six Conciliation Boards in the State. What is implied in that is that Government have not been convinced of the principle underlying or the efficacy of the provision. It was only a half hearted attempt. Here is a Bill with 38 Sections mostly dealing with Conciliation Boards, conferring powers to Conciliation Officers, enabling them to pass orders and record certificates. My learned friend says that the Government are not convinced of the propriety or the practicability or the workability of the present Conciliation Scheme. Sir, conciliation is founded on agreement and failing agreement, the Board can issue a certificate, a sharp weapon in the hands of an honest debtor. Why should Government hesitate to drop the scheme if they are not convinced of its utility? No doubt in Madras and Mysore, establishment of Boards is only permissive; but it must be remembered that there are more substantial provisions conferring benefit on debtors. The new amendments made by these legislatures are all with a view to confer benefit on all debtors. The Madras Act provides that not more than the principal amount by way of interest can be recovered from the debtor. Power is conferred on courts in Mysore to refuse to award any interest. They are not temporary powers, but permanent powers. Is there a single provision in the Bill conferring a permanent power on courts to do justice in cases as and when they come up? The Boards even though small in number may be established in such a manner that the benefit may reach each and every debtor. During the second reading of the Bill in this House this fact was plainly shown. Now it is going to be taken away. And I may say, Sir, that this is the juicy pulp of the Bill, but if the amendment is accepted the shell only will be left behind without the pulp. If the Bill is to be accepted and passed I have great doubt whether its beneficent provisions will reach one and all alike and whether any permanent benefit will be rendered to them. There must be a guarantee that all debtors would be treated alike, and that the relief measures would reach each and every indebted agriculturist. If the Law Member is going to move all the amendments tabled for discussion I should very vehemently oppose such amendments, since I am afraid that they will eventually be harmful to debtors, a vast majority of whom would go without any relief at all. If on the other hand the learned Law Member would assure this House that he is not very keen in moving all the amendments I am prepared to withdraw the opposition. Otherwise, I would oppose this amendment and commend my submission for the earnest consideration of this House.

MR. K. R. ELENKATH (*Kalkulam I*): In opposing the amendment I have to add only a few words to what my predecessors have said. The only valid argument the Law Member has brought forward is that the

Government will find it impossible if any obligation is imposed on them to appoint a larger number of Boards than they think it proper and necessary. The argument that the Board ought to be set up in such a way that it should enable the Conciliation Officer to have his jurisdiction only in a compact area and that this proviso would stand in its way is brought forward by the Law Member. The original proviso it could be clearly seen, does not at all in any way stand against the appointment of a larger number of Boards. In a scheme which contemplates relief for a very large section of the people, in a scheme which has emerged out of an extraordinary situation to provide relief in the best manner possible for the indebted agriculturist I ask whether expenditure of a lakh or two lakhs of rupees for a large number of Boards will be an expenditure which cannot be justified. Sir, we on this side of the House are very anxious that the relief which is afforded by such a measure should be conferred upon all people who are really and heavily indebted. The Law Member if I remember correct when the second reading of the Bill was going on made us understand that the Boards will be established on an experimental basis and that they may number about four or five. To-day the Law Member says that about ten or twelve Boards will be established and that if the whole State should simultaneously enjoy the benefit of Boards we must have at least 60 (sixty) Boards. Sir, the civil courts in the State which do not number 60 are dealing with all kinds of civil suits including money transactions. So I cannot endorse the Law Member's view that for giving compact areas for the jurisdiction of Boards as many as sixty Boards would be necessary. Some twenty Boards or a Board for each constituency as it is newly constituted will be quite sufficient. If only few areas are to get the benefit, the member who cries the loudest will get a Board for his constituancy whether that area needs more than one or not. Sir, my submission is that if the benefit of the Bill is to reach all the debtors, Boards should be established in larger numbers as to have jurisdiction throughout the State.

With these observations I oppose the amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I also oppose the amendment. The two means by which relief is intended to be given to the agriculturists are by lightening his burden and by giving time for discharging his liabilities. This Bill as was stated by Mr. Krishna Pillai, gives only discretionary powers if all the amendments of the learned Law Member are to be accepted by this House. Part III enables the courts to give time to deserving debtors for discharging their debts. Part II, the main part in the Bill, relates to conciliation. As was stated by the Law Member when he introduced this Bill, the chief part of the devices adopted for the purpose of giving relief to the agriculturist debtor is conciliation. What he says now is that the Government are not in a position to assure the establishment of Boards throughout the State. That means that the Government

[Mr. A. S. Damodaran Asan.]

are not prepared to grant the chief form of relief to all the subjects of His Highness the Maharaja. Sir, I do not in the least take seriously the threat held out by the Law Member. It comes a few minutes after the assurance from the Chair that the Legislature of this country will have a due part in its administration and that its wishes and opinions will be duly respected. I do not believe that any weight need be attached to the Law Member's statement that he does not take any responsibility for the further progress of the Bill if his amendment is not accepted.

Sir, the objections raised by the Law Member are three in number. One is that it is an experimental measure; that is to say the establishment of Conciliation Boards. If it is an experimental measure it must either fail or succeed. If it fails he does not say that these Boards would be scrapped. If it succeeds he does not assure the House that it will be extended throughout the State. Then, I do not understand what he means by saying that it is an experimental measure. The only ground for saying that it is an experimental measure is that it is a new thing.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I know what would be the number of conciliation officers that would be required to effectively serve the whole State?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I would come to that point. If this is to be considered as an experimental measure all the new innovations must also be experimental. Debt conciliation is not a new thing. In Mysore at first it was started in Malanad and subsequently it was extended to other parts of the country.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I know whether it was extended to all the parts of the country and what was the amount of the debt that would come under conciliation?

PRESIDENT: The Law Member may ask for the right to reply.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): In Mysore there was this distinction. With regard to the debts due to secured creditors much latitude was not given by the Conciliation Boards. Anyhow the Law Member has not cared to import that provision into our Bill. What I was referring to is that it was not a new thing. In almost all the Presidencies in British India this conciliation affair has been begun long before and to say that, because it is an experiment, it should not be extended throughout the country, is not acceptable. I am putting the further question whether he is serious when he says that it is an experiment; whether he is going to start this in small localities where large interests are not involved. The experiment should not be tried where there will be great risks in the matter. This objection on the ground of experimental measure does not appear to be a sound one.

Another point that has been raised is the question of cost. Sir, the Government admits that relief is needed to the debtor. The Government are prepared to tell the creditor to sacrifice a portion of his dues because the debtor must be given relief. But they say we cannot find persons to direct the creditor to do that. There must be somebody to direct the creditor and ask him to forego a portion of the debt. For this, there must be some conciliation officers. For want of this the Government are delaying this relief. So I would think that the Government are not fair in their dealings to the creditors. The Government have already, by rejecting the amendment to Clause II, stated, that as creditors they are not prepared to give much concession to the debtors. Now, when we come to the question of putting at least an agency for giving relief to the debtors, the Government say, that it is a question of cost. Moreover the Law Member is not in a position to tell this House as to what would be the cost that has to be met by Government for this purpose. He is not in a position to say anything about the number of officers that will be needed for the whole State. At first he said that it was three, now he says that there should be eight. It is my firm conviction that it does not redound to the credit of the Government to say that on financial grounds the Government are unable to create enough number of Boards in this country.

Sir, a third ground advanced is that the proceedings in the civil courts will be suspended. The proceedings there are carried on in the interests of the parties. There is no religious obligation on the part of Government to have a large number of civil courts. If the parties before the civil courts go to conciliation officers and Boards to clear their debts I wonder why Government should feel nervous on the ground that the establishment of Conciliation Boards would diminish the work of the court.

Another ground advanced by the learned Law Member was that it will be rather difficult to get sufficient number of proper officers to discharge this work. Sir, if that ground is advanced in a country like Travancore, which boasts of having any number of qualified hands for high posts and with so much literacy to its credit, I do not think that any member of this House will accept that ground. What I am saying is that a ground like that comes with little grace from the Government side. Sir, though you are new to this office you are not new to this country. I may say this. If the Government are not careful to choose proper persons there will be real pausity. The real pausity as I find is in the exercise of proper discretion in the choice of proper persons and there is absolutely no difficulty on the ground of paucity of hands.

Then, Sir, I would like to bring one or two points for the consideration of this House. The Bill at first introduced did not disclose the fact that the Government had no intention to establish Boards throughout the State. Of course, discretion was left with the Government and it was expected that the discretion would be properly exercised. But

[Mr. A. S. Damodaran Asan.]

when an amendment of Mr. Veiayudhan Pillai was passed last year, the Law Member made it clear that it was not possible to establish Boards throughout the State. Now we are assured that the Government will not establish Boards even in all centres where there is need. What is the condition if Boards are established only in a few centres? As was humourously put by my friend Mr. Elenkath the man who cries loudest will get what he wants The debtors who are able to make their voices heard by Government will be able to establish Boards in their centres. With regard to the poor ordinary agriculturists whose debts do not rise to high sums there will be no relief, and I may say that their condition will be worse than what it is to-day, because here we find that there is some sort of understanding or assurance from the Government side that an effort will be made to advance loans from Land Mortgage Banks for discharging all conciliated debts.

It was stated that the applications from such debtors will have preference over others. If that be the case, the debtors who are living in the conciliated areas will alone be able to get relief through the Land Mortgage Bank. Am I not therefore right in saying that the condition of the bulk of the agriculturist debtors in the country will be much worse after this measure? Even accepting the figures given by the Law Member, about 60 Boards will be necessary. But the Law Member is not prepared to start more than 8 or 10. That means that five-sixths of the State will be denied the benefit of conciliation. In addition, on account of the provision that the Land Mortgage Bank should give preference to the debtors belonging to the localities where Conciliation Boards are established, the benefits out of the Land Mortgage Banks also will be denied to those areas. This House should therefore consider twice before they accept this amendment. We are not at all afraid of the statement made by the Law Member that the whole Bill will be wrecked if this amendment were not accepted; because we are sure that if the Bill is to be wrecked, the responsibility on the Government will be very heavy. I do not think the Government will adopt such a course.

MR. S. J. NAIR (*Nedumangad*): I oppose the amendment. About two years ago, the Government appointed what was called the Agricultural Debt Redemption Committee to go into the question of agricultural indebtedness. That Committee was composed of seven members, of whom 5 were very responsible officials of the State. Let us see what the Committee has said about these Boards and their jurisdiction. In page 105 of their Report, it is stated:

> "Ordinarily there should be one board for each taluk. But there should be no objection, if circumstances require it, to one board being given jurisdiction over more taluks than one or to have more than one board for the same taluk. The boards may be authorised to hold its sittings at convenient centres within its jurisdiction."

This was the unanimous opinion of the Committee. Even the official members were not against this. The Law Member also was

one of the members of the Committee. If really he was against this opinion, if his idea was that this would involve serious financial implications, he ought to have written a dissenting minute in the report of that Committee. He did not do so. It is not, therefore, justifiable on his part now to bring in this amendment which almost negatives the purpose of Conciliation Boards. This is really very hard. Government ought not have permitted the Law Member to bring in this amendment.

The recent census of 1931 shows that the population of this State is 50,95,973. Out of this, 29,01,085 are following occupations of various kinds. Out of such people, 11,67,451 people are engaged in agriculture; and it is for the benefit of these people that the present Bill is intended.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is the definition of agriculturist as we find in the Bill the same as the idea of the census authorities when they prepared this figure of agriculturists in the State?

MR. S. J. NAIR (*Nedumangad*): I am only pointing out that the number of people who are sought to be afforded relief by this measure is large enough to warrant any expenditure of money. It is not at all fair on the part of the Law Member to have brought in this amendment at this stage of the Bill. Government ought not have permitted him to do it. The agriculturists are at their wits' end. I would appeal to the Law Member, as well as to the Government who have permitted him to bring in this amendment, on behalf of the numerous suffering agriculturists of Travancore who are steeped in debt as it were, that this is not a matter for the Government to conduct experiments and to wait for the results of such experiments.

I therefore oppose the amendment.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Sir, I support the amendment. I am not for denying the advantages contemplated in this Bill to any agriculturist debtor. At the same time, I would like to say that Government are not compelled to incur expenditure on a large scale on what I consider to be a scheme of doubtful success. It cannot be denied that, if after all the Conciliation Boards are going to be institutions which have to be tried, there is no use in spending large sums of money in making the trial or the experiment in each and every taluk in the State. My friends will agree that there is no sanction compelling the parties that appear before a Conciliation Board to abide by the award of the Board. Therefore it remains to be seen how far the scheme is going to be successful. It is quite natural that many parties would wish to resort to courts whose decisions are certainly binding on all the parties concerned. Therefore, if eventually the parties are not going to accept the award of the Board, all the time, money and energy spent on the Board would be absolute waste. What I would therefore propose is that a few Boards, say half a dozen, should be established in suitable localities, and worked for a sufficiently long period, say six months. If it is found that they work successfully, Government must necessarily set up as many Boards as are required throughout the State. I cannot agree to the Law Member's suggestion

[Mr. A. Thanu Pillai.]

that the Government cannot undertake to set up Boards in all places where they are necessary even after it is found that the Boards work satisfactorily and successfully. If the Boards work successfully, what would be the result? A large number of cases would be withdrawn from the courts and it would be possible to reduce the number of judicial officers and the staff attached to the courts. Government can save some money in that direction, and it would be possible for the Government to adjust their finances suitably in order to provide the necessary funds for establishing Conciliation Boards in all places where they are necessary. Instead of doing that, if several Boards are established throughout the State even now and it is found that they do not work well, the result would certainly be calamitous. I am not at all for that. As regards the finances, the Law Member said that the Government may not be in a position to find the finances necessary. I do not agree.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): On a point of personal explanation, Sir. Although I do not remember the exact words I used, I did not mean to say that even if the Boards are found to work successfully they would not be extended. What I meant was that after a few Boards are tried and if they are found successful others also would be established.

MR. A. THANU PILLAI (*Trivandrum-Rural*): If I remember right, he said that the Government cannot undertake to provide Boards for the entire State even if the Boards are found to work successfully, although it would be the policy of the Government to do it. My submission is that that would not do: Government must undertake to do it if they find that the Boards work successfully.

My friend Mr. Krishna Pillai said that there is a danger of the other amendments being carried, and that that fact should weigh with us in disposing of this amendment I cannot agree with that observation. I do not see why our disposal of this amendment should in any way affect our disposal of other amendments. As far as this amendment is concerned, it is my opinion that Boards need not be established throughout the State all at once. We should give the Government the discretion to select suitable areas, set up Boards there and wait and watch their working. In regard to the other amendments, it is open to us to throw them out if we are convinced that they are not desirable.

Mr. Asan said that if this amendment was carried the Land Mortgage Bank would cease to be of service to the debtors in localities where Boards are not set up. I cannot agree to that argument either.

MR. A. S. DAMODARN ASAN (*Mavelikara*): Did not the Law Member say that preference will be given to debtors who want to clear conciliated debts?

MR. A. THANU PILLAI (*Trivandrum-Rural*): What I understood was that if from a locality where a Board has been set up two debtors apply for loans from the Land Mortgage Bank, the one who wants the loan for the purpose of paying off a conciliated debt will be preferred to the other. I do not think it is the idea that if in Trivandrum no Board

is established and an agriculturist debtor applies to the Land Mortgage Bank here for a loan, he would be refused the loan merely because there is another application from Alleppey, where a Board is established for a loan to pay off a conciliated debt.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the resources of the Land Mortgage Bank are unlimited ?

MR. A. THANU PILLAI (*Trivandrum—Rural*): That question does not arise so far as this issue is concerned. We all know that the resources of our Land Mortgage Bank are not unlimited and that that bank cannot serve the needs of all our agriculturist debtors, even such of them as are going to have their debts conciliated.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): In view of Clause 15 (1) (*a*), can it be said that preference cannot be given in all cases, to debtors who want to pay off their conciliated debts and who want, for that purpose, a loan from the Land Mortgage Bank ?

PRESIDENT: That is a matter for construction of the provision, and not for a question.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I was asking whether the member was aware of the statutory recognition of that fact.

PRESIDENT: The honourable member will proceed.

MR. A. THANU PILLAI (*Trivandrum—Rural*): I do not think so, Sir, Therefore, now also I take the stand I took at the second reading. I would give the Government the discretion to set up a few Boards and try them first, and then to establish Boards throughout the State if it is found that they work successfully. With these words I support the amendment.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I strongly oppose the amendment moved by the Law Member on behalf of Government.

In the first place, the amendment discloses a lack of principle; because, if it is accepted, the agriculturist debtors in certain localities alone will get the benefit of this measure, while their brethren in the other parts of the State will be deprived of such benefits. I am emphatically of the opinion that this Bill must contain specific provision making it obligatory on the part of Government to establish Boards and to define the local limits of the jurisdiction of the various Boards in such a way and in such numbers as not to exclude any part of the State from the operation of the beneficial provisions of this measure.

In the second place, there must be some necessity for this amendment. So far as I am aware, even though there were serious differences of opinion with regard to certain provisions of the Bill, there was absolutely none with regard to the retention of this provision. It is obvious therefore that even according to public opinion there is no case for the deletion of this proviso. I ask Government whether it is not their duty to respect the recommendations of a responsible Committee appointed by Government for the purpose. The Committee clearly states that Boards should be established throughout the State.

MR. P. C. KURIYAN (*Kottaym I*). May I know from the member whether, he is in favour of Government accepting all the recommendations of the Committee ?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I am of opinion that there is at least a moral obligation on the part of the Government to accept the major recommendations of the Committee. I ask whether it is not the duty of the Government to respect public opinion. If it is so, this proviso was included in the Bill as the result of an amendment which was passed in this House by an overwhelming majority. That shows that public opinion is for the retention of this proviso. It is quite clear, Sir, from all these circumstances that it is absolutely necessary for retaining the provision of this Bill as settled by this House.

I would earnestly appeal to the honourable members on this side of the House that it is their duty to make the public feel that we have got a continuity of policy in our actions as representatives of the public. I would earnestly request the non official members of this House to reject this amendment.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): Sir, in the nature of the opposition the amendment has met within this House I thought I should not rise from my seat to speak, but the opinions expressed by Messrs. Thanu Pillai and Velayudhan Pillai have induced me to change my mind. Mr. Thanu Pillai said that he wished to give the law a limited operation, as limited as possible.

MR. A THANU PILLAI (*Trivandrum-Rural*): On a word of personal explanation. I did not say that the Bill was unsatisfactory. What I said was that the Conciliation Board was unsatisfactory.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*:) My friend does not believe in the Conciliation Boards. On the other hand, Sir, I believe that conciliation will be a beneficent process of settling disputes between creditors and debtors.

Mr. Velayudhan Pillai's point was that because public opinion has expressed itself in unmistakable terms, the Government had no option to come to their own decision even when they differed from what it called public opinion. Sir, I do respect public opinion. But we cannot always ascertain exactly what public opinion is on a certain question. I am merely pointing out that Government has a duty to take into consideration public opinion. At the same time they have got the right, if I may say so, to decide for themselves. But in this particular case, Sir, I am sorry to find that the officers of Government were trying to whittle down the intentions of Government at every stage of this Bill. (*Hear hear*). I have got in my hands the report of the Agricultural Debt Redemption Committee. The report shows that relief was intended for all agriculturists The words are 'for the relief of the agricultural indebtedness in general'. I am greatly reinforced by the passage that my friend Mr. Puthupalli Krishna Pillai read out from the speech made by the Dewan in answer to a deputation. That statement is in general terms. I raise this simple issue for the consideration of the House whether a member representing Government has got the option to say that while the Dewan representing Government takes one view—

[Sadasia Tilaka T. K. Velu Pillai.]

the same liability. When the people are asking for help and when it is found necessary by an important Committee, I do not see the reason why the intentions of the Government expressed and reaffirmed should not give the benefit to all persons.

There is one more point on which I wish to say a word. I put this question to the Law Member whether after all this is a question of funds. While recognising that the Government have got a duty to expend their funds on proper objects in order to help the people who stand in need of relief, I am prepared to concede that there is a question of expediency, a question of possibility and probability as well. I do not want that the Bill should be dropped merely for the argument that there are no funds. Funds must be forthcoming and the Travancore Government which happily has got a reputation in the money market, will have no difficulty in raising the funds.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) May I ask one question, Sir?

PRESIDENT : Please do.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Is it the honourable member's suggestion that Government must establish Conciliation Boards financed by borrowed funds?

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): That is a question which I am prepared to answer. So far as the Government are concerned, borrowing is an old habit. All through the world's history Governments have borrowed money and the Travancore Government happily possesses knowledge in these matters. For that reason I say that if it is absolutely necessary Government may even borrow. Do not make some people miserable while others are happy. I do not see any reason why, when the Travancore Government wants to give a suitable remedy to the bulk of the people, this relief of agricultural indebtedness alone should be confined to particular localities. It will be wrong.

It will be wrong on the part of my friend the Law Member, if he does not make a distinction between principle and expediency. The principle certainly can be accepted as healthy. But if a wrong view of expediency is accepted and interpreted in such a manner as to affect the principle, it will be something like a pathological condition in a healthy body. My submission therefore before the House is, that taking advantage of the statement made on behalf of Government from time to time, at first 2 or 3 Boards, later on it was 5 to 6 Boards, and further it became 7 or 8 and so on, let us have a large number of Boards. Should we not appreciate the opinion of the Committee? At the risk of repetition I would cite one interesting piece of information from the report. It is not a hypothetical conclusion arrived at. The Committee collected information in an exhaustive manner. This is what they "Ordinarily there should be one Board for each taluk. But there should be no objection if circumstances permit it, to one Board being

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given jurisdiction over more taluks than one or two have mere than one Board for the same taluk". After all this information was collected, to say that one Board shall have jurisdiction over a particular area alone does not appeal to me. When officials with experience of revenue and other matters in Travancore collect information from debtors as well as creditors, when the Government have made repeated utterances from time to time, to say that the establishment of Boards shall wait because of want of funds—I cannot see eye to eye with that. I fully appreciate the position of the Law Member. The question of funds is for the Government to solve. So then, Sir, I am obliged to oppose the amendment.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): To me, Sir, the most substantial relief proposed to be given to the agriculturist debtor by this Bill is the benefit that he is likely to get from the conciliation proceedings. Of course the Law Member would have been justified in bringing this amendment if he had convinced the House that the agriculturist's indebtedness is confined to particular localities only. For the sake of emphasis I may also repeat that the Agricultural Debt Redemption Committee, in which the honourable Law Member was himself a member, as well as other Committees of enquiry which had directly or indirectly to enquire into the agricultural indebtedness of the State, have expressed in clear terms that indebtedness among the agriculturists is so universal and not limited to any one particular locality alone. This Bill has been brought forward with the object of giving relief to the agriculturists as a whole, and as such I do not find any reason for limiting the establishment of the Boards to particular localities alone. Further, we will be setting up a bad precedent quite contrary to our tradition if we thus give power to Government to create such invidious distinction between one locality and another. To say that the Bill should be proceeded with cautiously and slowly does not appear to me to be a reasonable proposition at this time of day. Now this cannot be considered as a matter of mere experiment. It is rather a matter of conviction attempted to be carried into practice through law.

The Law Member was stressing the point that we must see that the Board function expeditiously. Answer to this is simple. If efficient officers are selected and controlled properly I am quite sure that much of the apprehended dilatoriness can be avoided. I am convinced, Sir, that a piecemeal execution of a measure of the kind will not be of any good to the agriculturists of our State. Unquestionably, this measure is intended to give relief to the agriculturists of the land as a whole. The earlier the agriculturists recover the better it is for the State. Without such a specific provision in the Bill affording opportunities for every agriculturist debtor to get the benefit of the conciliation proceedings, the Bill with its diginified and dandified title, would make confusion worse confounded among the agriculturists, on whose prosperity and well-being alone rests the financial prosperity of our country.

With these words, I oppose the amendment.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Sir, I was rather surprised to hear the honourable Law Member say that proper persons will not be available to act as Conciliation Officers and that that was one of the reasons which induced him to come forward with this amendment. That argument does not, in my opinion, stand to reason. There are large numbers of qualified and competent men in Travancore, from whom a suitable selection may be made. Another point that I want to urge is that I agree with the view that the provision of conciliation should not be restricted to any particular area or areas, merely because the Government have not got sufficient funds at their command. Adequate funds should be forthcoming for a laudable object such as this. It is found from the report of the Agricultural Debt Redemption Committee that no one particular part of Travancore is more affected than another and that all parts of the State are equally liable to agricultural indebtedness. Therefore it seems to me that no invidious distinction should be made in the matter of giving this relief. If any such distinction is made there will be a scramble from persons of different taluks for Conciliation Boards and the Government themselves will find it very difficult to solve the question to the satisfaction of all concerned. I can, however, understand the position that we cannot at this stage, gauge how far the Boards will be a success. It is true, that some Boards will have to be set up as an experimental measure. So, what I would suggest is that there should be at least one Board for every general constituency to start with, and that if it is found from experience that this experiment results in success, more Boards might be constituted as the measure progresses. In that manner, much of the difficulty may be removed. At any rate it should be possible for the Law Member to assure the House that—

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Does the honourable member refer to constituencies relating to this House?

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): I am not concerned with any House other than this for the time being. It must be possible for the Law Member to assure this House now, and not after waiting for three or six months, that a reasonable number of Boards will be constituted to start with.

MR. K. PADMANABHAN (*Chirayinkil I*): I would like to speak a word in support of the amendment moved by the Law Member. I am prepared to support the amendment on one of the grounds. In supporting that, it should not be misunderstood that I am not for affording relief to the agriculturists. My apprehension is that with the kind of Boards contemplated in the Bill it is not possible to afford relief to the agricultural debtors. The Law Member stated that the institution of Boards should be considered as an experimental measure atleast so far as Travancore is concerned. We have no knowing as to what kind of officers are to function as members of the Board. There is no well-defined provision in the Bill fixing the requisite qualification and training for these officers. No clear rules have been laid down in the present Bill in regard to the procedure that is to be followed by the Boards and as such we do not know the result that will accrue out of the working

of these Boards. Further, there is no legal sanction behind the decisions of the Boards. Under such circumstances I would ask whether it is wise to compel Government to flood the whole country with Boards? Why not we allow a sound discretion to Government in the matter of setting up Boards? As a beginning, let the Government start with Boards in a few places. If they say that the Boards will not be extended to other places after seeing that they work successfully it is a different matter. The honourable Law Member was saying that a few experimental Boards will be set up and after watching their successful working Government will consider the question of extending them to other areas as well. Under such circumstances, my conviction is that the amendment of the Law Member has to be accepted. With these words, I support the amendment.

MR. K. M. KRISHNAN (*Ambalapuzha*): സർ, ഞാൻ ഈ ഭേദഗതിയെ എതിർക്കുന്നു. നാട്ടിന്റെ നട്ടെല്ലായ കർഷകർക്ക് അവരുടെ ഋണബാദ്ധ്യതയ്ക്കു സ്വല്പം ആശ്വാസം കൊടുക്കണമെന്നുള്ളതാണല്ലോ ഈ ബില്ലിന്റെ ഉദ്ദേശം. ആ ഉദ്ദേശത്തിനു ഭംഗം വരുത്തുന്ന ഈ ഭേദഗതി ഒരുതരത്തിലും അനുവദിച്ചുകൂടാത്തതാകുന്നു. കടഭാരത്താൽ അറബിക്കടലിൽ പൊങ്ങിയും താണും ശ്വാസംമുട്ടി കഴിഞ്ഞുകൂടുന്ന തിരുവിതാംകൂറിലെ കർഷകരുടെ ആശ്വാസത്തിനായി നിർദ്ദേശിക്കപ്പെട്ടിട്ടുള്ള ബില്ലിലുള്ള മൂന്നോ നാലോ വകുപ്പുകളിൽ ഒരു പ്രധാന വകുപ്പിനെയാണ് ഇപ്പോൾ എടുത്തുകളയണമെന്നു ആവശ്യപ്പെടുന്നത്. കൃഷിക്കാർ എന്നുള്ള പദത്തിന്റെ വ്യാഖ്യാനത്തിൽ അനേകമാളുകൾ ഉൾപ്പെടുന്നുണ്ട്. അല്ലാതെ മി. എസ്. ജെ. നായർ പറഞ്ഞതുപോലെ ൧൧ ലക്ഷം ജനങ്ങൾ മാത്രമല്ല ഉൾപ്പെടുന്നത്. അതിനാൽ ഈ വകുപ്പ് എടുത്തുകളയുന്നതുകൊണ്ട് ഒട്ടുവളരെ ജനങ്ങൾക്കാണ് ഉപദ്രവം നേരിടുന്നത്. രാജ്യത്തെ എല്ലാ കൃഷിക്കാരായ കടക്കാർക്ക് ഒരേസമയം തന്നെ ആശ്വാസം നൽകേണ്ടതാണ്.

എട്ടോ പത്തോ കൺസലിയേഷൻ ബോർഡുകൾ സ്ഥാപിച്ചു ഒരു പരീക്ഷണം നടത്തണമെന്നാണ് ലാ മെമ്പർ പറയുന്നത്. ബോർഡുകളുടെ എണ്ണം എത്രയായാലും തരക്കേടില്ല. അതു രാജ്യത്തൊട്ടാകെയുള്ള കടക്കാരായ ജനങ്ങൾക്ക് ആശ്വാസം നൽകത്തക്കവിധത്തിൽ എല്ലായിടത്തും സ്ഥാപിക്കണമെന്നാണ് എന്റെ അഭിപ്രായം. എല്ലാ താലൂക്കിലും ഒന്നുപോലെ കടക്കാരുണ്ടായിരിക്കയില്ല. കൃഷിക്കാരായ കടക്കാരുടെ ജനസംഖ്യ എടുത്തു കൂടുതൽ കടക്കാരുള്ള സ്ഥലത്ത് കൂടുതൽ കോടതികൾ സ്ഥാപിക്കയും കടക്കാരുടെ സംഖ്യ കുറവായ സ്ഥലങ്ങളിൽ ഒന്നോ രണ്ടോ താലൂക്കുകൾക്ക ചേർത്തു ഓരോ കോടതി സ്ഥാപിക്കയും ചെയ്യേണ്ടതാണ്. ഈ അഭിപ്രായത്തോടുകൂടി ഞാൻ ഈ ഭേദഗതിയെ എതിർത്തുകൊള്ളുന്നു.

MR. N. E. VARUGHESE (*Tiruvalla II*): I also oppose the amendment. From the very start when the Bill was published in the Gazette there was doubt in my mind as to the benefits that will accrue to the agriculturists by the provisions of the Bill. Certain amendments were proposed by me in the Select Committee. Those amendments were refused by the majority of the members. After considering the amendment as adopted by the Select Committee I had the painful necessity to add a dissenting note that the provisions of the Bill are too inadequate to meet the requirements of the agriculturists and that they do not serve to give the necessary relief to the agriculturists in general. But during the second reading of the Bill certain amendments were moved and carried. In my opinion those amendments that are carried by the majority of the Assembly are most essential to meet the requirements of the present time. Those are, firstly that the jurisdiction of the Conciliation Boards should be extended throughout Travancore, secondly that retrospective effect should be given for the reduction of interest from 1105 and a few other things. If these amendments that were carried by the majority of the House are to be deleted from the provisions of the Bill, I do not know how the title of the Bill as it is framed will hold good. The title of the Bill is "The Travancore Agriculturists' Relief Bill." So, whatever provisions are made in the Bill it should apply to all the agriculturists of Travancore. When I read all the amendments together moved by my honourable friend the Law Member, I must say with some hesitation that I suspect the sincerity of the Government in handling the situation. I suspect the sincerity for several reasons. The measure ought to have been passed into law much earlier. The situation is such that some sort of relief must be given immediately. The longer it is delayed the more dangerous it will be both to the debtors as well as to the creditors. It is more than three years since the Government undertook to solve this problem. When this House has expressed its opinion that there should be certain provisions in the Bill to benefit the agriculturists, to come again to the House and seek permission for deleting those provisions which were deliberately included in the Bill is very suspicious. I think that Government want to make a show that they are also trying to do something for the amelioration of the poor agriculturists. But they are not doing anything to solve the real problem. That suspicion in the minds of the people does not go to the credit of Travancore. Suppose an epidemic such as cholera or smallpox breaks throughout all the taluks and the Government is only contemplating to establish a dispensary or a relief centre at Trivandrum. In the first place it is not possible for all the inhabitants of Travancore to run to Trivandrum for help. It is very difficult. Supposing the Government were to issue an order that only inhabitants of Trivandrum taluk should seek relief at the dispensary at Trivandrum, how painful it would be? Government cannot contemplate such an injustice as to give relief only to the people of Trivandrum. Sir, the effects of depression are worse than pestilence. By pestilence many people cease to exist. By the burden of depression they live dying. They are living in debt. So I appeal to the Government that they must find

funds to establish as many Conciliation Boards as are necessary to solve this problem as expeditiously as possible. Never mind the number. Let it go even to hundred. It must be expeditiously solved. Delay is dangerous. Every business is in supense Both the creditor and the debtor do not know what to do next. It is more dangerous to the debtors. If this measure is to be adopted it must be applicable throughout the State. So I appeal to the House to throw out the amendment.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Sir, I rise to support the amendment. One of my hon'ble friends said that he doubted the sincerity of Government in bringing forward this amendment. I also suspect the Government in prolonging this Bill. Speaking for the commercial community I may say that they are dead against the Bill because the Bill was necessitated only because of exceptional circumstances which prevailed in the country on account of economic depression. The price of cocoanut is going up as also that of rubber and therefore we are now in a position somewhat different from some time back.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Leaving alone the price, may I know whether the number of cocoanuts is not going down?

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): That is where I cannot agree with my hon'ble friends.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): What about the price of paddy?

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Whenever there is a competition the best way to face it is to produce more. What we did with cocoanut is the same thing. When we found that the prices were going down we did not spend enough money upon cocoanut and meet our competitors.

MR. K. R. ELENKATH (*Kalkulam I*): May I know from where the money is to be found for that?

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Therefore the question before the House, so far as this amendment is concerned, is whether we should have these Conciliation Boards all at once throughout the State or only in certain specified areas. From the speech of several members it looks as though it is the birthright and privilege of every Travancorean to be conciliated. (*Laughter.*) It reduces to that. Even though the conditions have improved or might improve in future he still must be conciliated. That seems to be the attitude of some of my friends. Of course I can explain that attitude because our days are numbered. We have shortly to meet the electorate. For years we had been living with this problem of agricultural indebtedness. That has been our life work. If that problem is solved that means that will have no platform hereafter.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether any facility has been afforded for that? Is it fair to deny facilities to some?

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): What more can an ordinary citizen require? The thing is that as I stated at the outset I am supporting the amendment not for the reason given by the learned Law Member. I take it, Sir, that the Government is trying by this amendment to get out of the commitment made by Government in introducing the Bill itself. For the sake of saving their own face they may undertake to introduce three or four Boards and find them working not successfully and then there must be an end. Sir, we cannot be living in perpetual insolvency. The poor are always indebted. Now there is absolutely nothing bad in commerce or industry to proclaim to the whole world that we are a set of paupers. As a matter of fact this situation is only temporary. If things brighten in the near future we might drop the whole thing. Therefore I would support the amendment and place it as a reasonable proposition for the acceptance of this House. Bright rays are already to be found in the horizon and we shall once again be going on in our routine way. Our politicians can think of some other platform for their electioneering campaign. With these words I support the amendment.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, having considered the speeches made by the hon'ble members opposing the amendment, I must say that they are all based on a thorough misconception. The main point that they stressed was that the benefits of conciliation available under the Bill should be extended to everybody, and that no one should be denied it. Sir, I never said that my idea was to deny the benefit to anybody. What I said was that we must try the Boards' actual working and then gradually extend. I never said that the benefits will be *denied* to anybody. There may only be some little delay for some to get benefit. To start with it is going to be only an experiment and in that experimental stage the whole State cannot be brought under the conciliation scheme. If it is going to be a success, by and by, the whole State will be given the benefit by extending the Boards' activities to other areas also.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether any legislation can hold Government responsible when once they have passed law?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall answer it later on. The legislature is a business like body and the Government do not want to achieve things in a crooked way. Government, having considered the matter, stated that they may appoint some seven or eight Boards. The House may think that sixty boards must be established. But the House must accept the position that it is the right of Government to determine the number of Boards and Government propose to appoint only say five Boards then is it right to tell Government that the jurisdiction of these five Boards together should be the whole State? That is the question. The present question is not whether Government should establish 50 Boards or 5 Boards. The legislature has given complete discretion to Government to determine

the number of Boards. Keeping that in mind,answer the question. The Government propose to appoint only, say five Boards. If that be so, what would be the effect of the clause.

MR. K. R. ELENKATH (*Kalkulam I*): May I know apart from financial considerations whether there is anything which stands against Government making the jurisdiction of the Boards less compact ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is. If, say ten Boards are to be given a local jurisdiction of over 7000 square miles, will it serve the purpose of real conciliation? Secondly, owing to certain other provisions of the Bill *viz.*, that civil court proceedings must be stayed during conciliation proceedings, the result will be that all monetary activities will become still. Does the House want to do that? My object never was to deny the benefit to any body. Let us try the scheme and when it is successful its operation can be extended. I believe the word I used even at the outset was that it was the ambition of Government to bring the benefit of the provisions of the Bill to every body. I said that I will start five or say ten Boards and that these cannot effectively comprise within their jurisdiction in the whole State. The reply to this should be "Allright, you can have 7000 square miles as the local jurisdiction". I never heard any honourable member say that: because it would be preposterous to say so. The House cannot increase the number of Boards because the House has already given Government the discretion to fix the number of Boards. The House must assume the fact that we can have only five or seven Boards. That fact can not be interfered with. That fact assumed, the only question is whether the five or seven Boards can be given 7000 square miles as local jurisidiction.

MR. P. C. KURIYAN (*Kottayam I*): May I know whether it is for the whole province or for different areas?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May be different areas; but the whole for the different Boards together. I would appeal to the House to bear in mind that the real question is not the possibility of the appointment of either say ten or say sixty Boards but that the simple question is, assuming that the Government will appoint only say ten boards, whether it is right or desirable to tell the Government that you need appoint only ten Boards but give them the entire 7000 square miles as their local jurisdiction.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether the Law Member is in a position to assure the House that after six months these Boards will be established ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I will not say definetely. It may even be three months or four months or eight months. It will all depend, as I said, on the ambition of Government to extend the Boards to the whole State.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Will it not depend upon the success of the experiment ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes; on that also mainly. Now the House will see the real position. Let us look at it from a practical point of view.

MR. K. C. ABRAHAM (*Kottayam II*): May I know whether 50 or 60 Boards is the maximum on the basis of 7,000 square miles?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I put only an approximate figure, just to illustrate the real position.

MR. K. C. ABRAHAM (*Kottayam II*): May I know whether several areas require different requirements?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know what is the total area in Madras allotted?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In Madras the Boards have not come yet. Further, the conditions are different there. There the two classes, the debtor and creditor, are clearly distinct classes. Most of the agriculturists may be debtors but the creditors form mostly a separate distinct class, the money lender class. Here every debtor may be a creditor as well.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): Has the Government finally rejected the number suggested by the Committee, thirty or so *i. e.*, one in each taluk?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They have not rejected, so to say.

MR. V. K. VELPPAN NAIR (*Vaikom*): Is it the member's view that all the debts should go for conciliation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): All kinds of debts would go in, provided of course a Board is established for the area.

PRESIDENT: The House will now adjourn to meet again at 11 A. M. to-morrow.

The House adjourned at 4-30. P. M.

P. PARAMESVARAN PILLAI.
Secretary to the Sri Mulam Assembly.

PROCEEDINGS
of

THE TRAVANCORE SRI MULAM ASSEMBLY.

(OFFICIAL REPORT.)

FIRST ASSEMBLY.

NINTH SESSION.

Tuesday, the 17th November 1936/2nd Vrischikam 1112.

The Assembly met again in the Victoria Jubilee Town Hall at Eleven of the Clock, with the President in the Chair.

QUESTIONS AND ANSWERS.

Extension of service in the P. W. D.

11. *MR. S. J. NAIR (*Nedumangad*): Will the Government be pleased to lay on the table a statement of clerks in the P. W. D. who were given extension of service in 1108, 1109, 1110 and 1111 (till 6-3-1111) and the reasons therefor?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The *statement is laid on the table.

MR. S. J. NAIR (*Nedumangad*): Sir, with reference to the answer given at page 5, Appendix I, may I know from the Government whether it is the same clerk who has been given extension in the years 1108 to 1111?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): No, Sir, I do not think it is.

MR. S. J NAIR (*Nedumangad*): May I know why that clerk was given extension for all these years?

MR. G B. E. TRUSCOTT (*Chief Engineer, Roads. Buildings and Irrigation*); I do not say that he was given extension for all these years.

MR. S. J. NAIR (*Nedumangad*): May I know from the Government whether the Government are aware that many of the clerks who have retired during these years were found fit for active service?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): No.

MR. S. J. NAIR (*Nedumangad*): May I know from the Government whether any certificate was obtained from the clerk in question?

**Vide* Appendix I.—page 42

G. P. T. 1387—350—13-6-12.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The Division Officer granted the clerk an extension of nine months between 1109 -1110.

MR. S. J. NAIR (*Nedumangad*): Am I then to understand that the question depends upon the favour of the Division Officers ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigatio*): No.

PRESIDENT : Mr. S. J. Nair, next question, please.

Minor Irrigation in the Nedumangad taluk.

12. ***MR. S. J. NAIR** (*Nedumangad*) : With reference to the answer to question No. 36 (*b*), given on the 14th November 1935 in the Sri Mulam Assembly, *re* a pakuthi-war statement of *chiras*, tanks, etc., that require to be improved in the Nedumangad taluk, which was under print, will the Government be pleased to state :

(*a*) whether the list would be placed on the table ;

(*b*) what works in the list were executed formerly ;

(*c*) what works are under execution ;

(*d*) why irrigation works are not undertaken in the Nedumangad taluk ; and

(*e*) whether the "Parandottukarathu *chira*" in the Kulathummel *pakuthi*, and the "Kulavikarathu *chira*" in the Nedumangad town, which were restored formerly, remain completely useless for paddy cultivation ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) :

(*a*) The list is placed on the table of the Assembly Secretary for reference.

(*b*) (i) Restoring Parandottukonathu *chira* in Kulathummel pakuthi.

(ii) Restoring Kulavikonathu *chira* in Nedumangad town,

(*c*) None at present.

(*d*) As many of the tanks mentioned in the list, come under petty irrigation, they have to be improved by the ryots as per the Irrigation Regulation. Regarding Minor Irrigation works included in it, no requisitions for the improvements of any particular tank have been made by the ryots.

(*e*) No; but some additional works are found necessary and these are being investigated and estimated for. The correct names of the tanks are Parandottukonathu *chiia* and Kulavikonathu *chiru*.

MR. S. J. NAIR (*Nedumangad*): May I know from the Government whether the Chief Engineer has inspected these two *chiras* and has come to the conclusion that these two *chiras* are not useless ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads Buildings and Irrigation*): The report of the Division Officer concerned was considered.

MR. S. J. NAIR (*Nedumangad*): May I know when the Division Officer inspected these two *chiras* ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings, and Irrigation*) : I cannot say the date.

MR. S. J. NAIR (*Nedumangad*) : May I know from the Government whether the Government are aware that the Revenue Commissioner has inspected "Parandottukarathu *chira*" and that he has reported that that *chira* is useless for paddy cultivation ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : I have no information.

MR. S. J. NAIR (*Nedumangad*) : May I know whether the Government are aware that the tax on the "Parandottukarathu *chira*" is now being stopped on account of its uselessness.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings, and Irrigation*): The irrigation tax i being stopped in the case of Kulavikonathu *chira*.

MR. S. J. NAIR (*Nedumangad*) : What is the reason for stopping it?

MR. G B E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : The Government are enquiring into the matter.

MR. S. J. NAIR (*Nedumangad*) : May I know whether it has been stopped as the result of the uselessness of the *chira* ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : I have already replied to that question.

MR. S J. NAIR (*Nedumangad*) : May I know whether Government are aware that no work of minor irrigation has been started in Nedumangad taluk ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : I claim notice.

PRESIDENT: The official member demands time to answer the question.

MR. S. J. NAIR (*Nedumangad*): Sir, when I put the question plainly he evades the answer. I am explaining —

PRESIDENT : Order, order. That personal explanation is required from the officer and not from you.

MR. S. J. NAIR (*Nedumangad*) : I have not completed the supplementary questions. With regard to answer (*e*), may I know whether the Governmet are aware that the people of Nedumangad have submitted petitions praying for improvement of the *chiras* in their localities.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : Many of the tanks in Nedumangad come under petty irrigation and if the honourable member would refer to the Regulation he will see that most of the tanks should be repaired by the ryots concerned. Ryots should petition for other tanks to be repaired for which they have to contribute half the cost.

MR. S. J. NAIR (*Nedumangad*) ; May I know whether any work with regard to the improvement of the major tanks has been taken up by Government.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): No petition to that effect has been received by me.

PRESIDENT: Next question, Mr. S. J. Nair ?

Toll-gates in the Nedumangad taluk.

13. ***MR. S. J. NAIR** (*Nedumangad*) Will the Government be pleased to state :

(*a*) whether they are aware that the buses and other vehicles that come from Vamanapuram in the Nedumangad taluk and go to the Trivandrum Town are compelled to pay two separate P. W. D. toll-gate fees ;

(*b*) the distance of the Aayoor main gate and its sub-gate at Venjaramood ;

(*c*) on what principle sub-gates to main P. W. D. gates are opened ;

(*d*) whether the public of the Nedumangad taluk have not submitted memorials to the Government and the Chief Engineer, P W. D. pointing out the necessity of removing the P. W. D. sub-gate at Venjaramood ; and

(*e*) if the answer to part (*d*) is in the affirmative, what action the Government and the Chief Engineer have taken ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*):

(*a*) Yes.

(*b*) About 17 miles.

(*c*) (i) To tap the untaxed shuttle service buses or other vehicles which use a good portion of the road between two important stations or two toll-gates and which thereby tend to diminish the number of through service, and

(ii) to prevent the evation of toll by passing off the toll gate.

(*d*) Yes.

(*e*) The matter was considered and it was decided that the removal was not necessary.

MR. S. J. NAIR (*Nedumangad*): May I know from the Government whether it is not possible by removing the toll-gate from Venjaramood in M. C. road where it is situated now to two miles beyond that place to the north of the M. C. road to tax the untaxed shuttle service from Vamanapuram to Trivandrum *via* Nedumangad at Nedumangad P. W. D, Toll Gate.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I do not think so.

MR. S. J. NAIR (*Nedumangad*): May I know the route from which that bus can avoid the payment of tax to Nedumangad ?

MR. G B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I shall show that to the honourable member if he will see me in my office.

MR. S. J. NAIR (*Nedumangad*): I put the question to the Government, feeling certain that there is absolutely no road from which the bus can avoid payment of tax.

PRESIDENT : The honourable member may possibly take advantage of the offer.

MR. S. J. NAIR (*Nedumangad*) : I put the question because I am unconvinced even now.

New roads in the Nedumangad taluk.

14. ***MR. S. J. NAIR** (*Nedumangad*) : Will the Government be pleased to state :

(*a*) whether any new road has been constructed in the Nedumangad taluk in 1111 M. E. ;

(*b*) if the answer to part (*a*) is in the affirmative, which is the new road and how many miles ;

(*c*) at whose instance it was constructed ;

(*d*) for whose use it was constructed ;

(*e*) if the answer to part (*a*) is in the negative, why no new road was constructed ; and

(*f*) whether there were repeated representations to open new roads as malaria relief works, and also to open up mountainous and malarial regions ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) :

(*a*) Yes.

(*b*) The road from 23/7 Trivandrum—Ponmudi road *via* Valiayankad Estate – a distance of 1 1/8 miles.

(*c*) At the instance of the public.

(*d*) For the use of the general public.

(*e*) This does not arise.

(*f*) Yes.

The Aruvikara-Vellanadu road.

15. ***MR. S. J. NAIR** (*Nedumangad*) : Will the Government be pleased to state :

(*a*) whether the Government are aware of the existence of a good bridge constructed by the Water Works Department at Aruvikara ;

(*b*) whether they are aware that the bridge is no longer useful for the Water Works Department ;

(*c*) whether they are aware that the bridge is most useful for the pedestrians and the people of the locality to go from Aruvikara, Karakulam, Kachani and other places to Vellanadu, Poovachad, Kattakada and other places ;

(*d*) what is the distance from the above bridge to Vellanadu by short cut ; and

(*e*) how many petitions the people have put in to construct a road from the above bridge to Vellanadu ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : (*a*) Yes.

(*b*) No.

(*c*) Yes.

(*d*) About 2½ miles.

(*e*) Four.

MR. S. J. NAIR (*Nedumangad*): With reference to the answer furnished may I know whether the Government have ascertained the opinion of the Water Works Engineer that the bridge is useful for the pedestrians and people of the locality to go from Aruvikara to Vellanad and other places?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Yes.

MR. S. J. NAIR (*Nedumangad*): May I know the date on which the Water Works Engineer has been consulted and whether the Government have obtained the views of the Water Works Engineer?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The information was given before the separation of the Water Works from the P. W. D.

Second Class Magistrate's Court at Tiruvalla.

16. ***MR. R. SIVARAMAN NAIR** (*Tiruvalla II*): Will the Government be pleased to state the number of cases pending in the Second Class Magistrate's Court at Tiruvalla?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): 31 cases at the close of Kanni 1112.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): May I know, Sir, whether the present Magistrate has any other function than the executive functions.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): He is the Tahsildar of the taluk.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): May I know whether any representation has been made to Government to appoint a Magistrate for the place now under the jurisdiction of the Tiruvalla Munsiff's Court?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I claim notice. I have not the necessary records with me.

Bridge at Kozhencherry.

17. ***MR. R. SIVARAMAN NAIR** (*Tiruvalla II*): Will the Government be pleased to state whether any estimate has been prepared for the bridge at Kozhencherry over river Pampa?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): No.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): May I know whether any preliminary investigation has been made for the construction of the bridge?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Yes.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): May I know when it was done?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I cannot say what the exact date is on which the investigation has been done.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): May I know in which year it was done?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Last year.

Pay of Munsiffs and Second Judges.

18. ***MR. R. SIVARAMAN NAIR** (*Tiruvalla II*): Will the Government be pleased to state:

(*a*) the pay of Munsiffs and Second Judges under the Standardisation Scheme; and

(*b*) their pay before that scheme was introduced?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) & (*b*). The member is referred to page 77 of the Civil List corrected up to 1st Chingam 1111 and 1st Kumbham 111[illegible], respectively.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): May I know whether any representation has been made by the High Court to exclude the Munsiffs and Second Judges from the Standardisation G. O.?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes. Government have received a letter from the High Court.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know whether the Government are aware that the Standardisation Scheme has created a lot of discontent among the subordinate officers in the public service and that has injuriously affected the morale of the public service?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Governmen*): It is a matter of opinion.

PRESIDENT: It does not arise from this question.

Accounts of the Trivandrum-Shencotta Railway.

19. ***MR. A. S. DAMODARAN ASAN** (*Mavelikara*): Will the Government be pleased to state:

(*a*) whether they send any of their auditors periodically to the Office of the Government Examiner of Accounts of the Government of India to go through the accounts of the Trivandrum-Shencotta Railway and bring to the notice of the Government Examiner any discrepancy or error in such accounts; and

(*b*) whether it is a fact that the States like Mysore, Baroda, etc., are, under arrangements with the Government of India, sending such auditors for the scrutiny of the accounts of their State Railways under the management of such Companies?

RAO BAHADUR A. RENGASVAMY AIYAR (*Financial Secretary to Government*): (a) No.

(b) Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether any arrangement has been made to help the Government Examiner of Accounts of India to find discrepancies and errors in the Railway accounts?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): A reference has been made to the Government of India. The Government of India has been approached on the subject.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether the matter is still unsettled?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): Yes, it is still unsettled.

MR. S. J. NAIR (*Nedumangad*): May I know when the Government of India was addressed on the subject?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): We addressed the Agent to the Governer-General.

MR. S. J. NAIR (*Nedumangad*): May I know the date?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): July 1936.

MR. S. J. NAIR (*Nedumangad*): May I know the reason or reasons for the delay in having approached the Government of India for this purpose?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): There is no provision in the original agreement for the audit of these accounts.

MR. S. J. NAIR (*Nedumangad*): May I know whether any new agreement has been executed?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): No, Sir.

MR. S. J. NAIR (*Nedumangad*): May I know why the Travancore Government had not addressed earlier the Government of India on the subject through the A. G. G.

PRESIDENT: The honourable member must have heard the Financial Secretary's answer that there is no provision in the old agreement for an audit.

MR. S. J. NAIR (*Nedumangad*): Now the member has stated that the Travancore Government had addressed recently the Government of India and at the same time Government admit that the agreement has not been renewed. Therefore may I know why the matter was delayed?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): The question cropped up only recently.

Standardisation of salaries in the Education Department.

*20 **MR. A. S. DAMODARAN ASAN** (*Mavelikara*): Will the Government be pleased to state:

(*a*) the number of graduate teachers who had a continuous acting service for more than 5 years on a salary of Rs. 50 per mensem when the standardisation order was passed;

(*b*) whether any person with shorter service was confirmed when the persons referred to in part (*a*) were acting; and

(*c*) whether as a result of the Standardisation G. O. the pay of the persons referred to in part (*a*) has been reduced to Rs. 40 per mensem?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*):

(*a*) 4.

(*b*) Yes.

(*c*) The salary of the teachers referred to in part (*a*) has not yet been definitely fixed.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): In answer to part (*c*), may I know what is the salary now drawn by these teachers?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Rs. 40 per mensem.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know why the salary is unsettled? May I know why it was reduced from Rs. 50 to Rs. 40 after the standardisation?

MR. C. V. CANDRASEKHARAN (*Ag. Director of Public Instruction*): The present salary is provisional. The Account Office is paying the minimum in each case, until the whole question is definitely settled.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether there are other cases as well where the salary is still unsettled and at the same time it is allowed to be drawn?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Yes, Sir.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know how long this question of settling the salaries of teachers has been under the consideration of Government?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Ever since standardisation we have been dealing with each class of cases as it comes up, both in the English School and Vernacular School.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether there is any particular reason for this undue delay in settling this simple matter?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): All matters regarding standardisation are treated as urgent, but delays are inevitable.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Government are aware that the standardisation scheme has acted adversely so far as the interests of the teachers are concerned?

MR. C. V. CHAHDRASEKHARAN (*Ag. Director of Public Instruction*) It is a matter of opinion.

Bridge across the Nakkalikal Canal.

21 *MR. E. K. KUNJURAMAN (*Nominated*): Will the Government be pleased to state whether they are aware of the fact that the temporary wooden bridge set across the Nakkalikal Canal in Pandalam-Aranmula road last year by the people of the locality has been damaged during the last tremendous rainy and flood season?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Yes.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*). May I know whether the Government have sanctioned the construction of the bridge at Nakkalikal canal in Pandalam-Aranmula road?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Sanction has been accorded for the same. But no funds are available for the execution of the work at present.

Ayurveda Mahilamani Vaidyasala at Konni.

22 *MR. E. K. KUNJURAMAN (*Nominated*): Will the Government be pleased to state:

(*a*) how many applications have been received from the people of Konni praying to allow grant and recognition to the Ayurveda Mahilamani Vaidyasala which is being conducted there now and on what all dates; and

(*b*) whether this *vaidyasala* has ever been visited by the Ayurvedic Inspector?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) Two. One in July 1933 and the other in March 1934.

(*b*) Yes.

MR. E. K. KUNJURAMAN (*Nominated*): ഈ അപേക്ഷയിന്മേൽ ഗവണ്മെൻറു എന്തു നടപടി നടത്തി എന്നു പറയാമോ ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Seeretary to Government*): ആ അപേക്ഷ വന്നതിനുശേഷം ഇൻസ്പെക്ടർ വൈദ്യശാലപരിശോധിച്ചു. അപ്പോൾ ഗ്രാൻറുകൊടുക്കത്തക്ക രീതിയിലല്ല അതു നടത്തിക്കൊണ്ടിരുന്നതു് എന്നു കണ്ടതിനാൽ ഗ്രാൻറു അനുവദിച്ചില്ല.

MR. E. K. KUNJURAMAN (*No nated*): ഈ അപേക്ഷ അയച്ച ആൾ വിഷവൈദ്യശാസ്ത്രവിശാരദ എന്ന പരീക്ഷ പാസ്സായിട്ടുണ്ടു് എന്നുള്ള വിവരം അറിയാമോ ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Seeretary to Government*): ഇപ്പോൾ ആ പരീക്ഷ പാസ്സായിട്ടുണ്ടു് എന്നു റിപ്പോർട്ടിൽ കാണുന്നുണ്ടു്. എന്നാൽ വൈദ്യശാല ശരിയായി നടത്തുന്നതിനു വേണ്ട പരിചയം സിദ്ധിച്ചിട്ടില്ല. ആവശ്യമുള്ള പരിചയം സിദ്ധിച്ചതിനുശേഷം ഗ്രാൻറു അനുവദിക്കുന്നതിനെപ്പററി ആലോചിക്കുന്നതാണു്.

Levy of fees for supply of Medicines.

23 *MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Will the Government be pleased to state whether there is any proposal to levy fees for supply of medicines to out-patients from the Government Hospitals?

MR. JAMES SIMPSON (*Darbar Physician*): Yes; the matter is under consideration.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): May I know whether the proposal to levy fees for medicine is for the General Hospital alone or for all the hospitals in the State?

MR. JAMES SIMPSON (*Darbar Physician*): The question is under the consideration of Government. I do not know if I will be correct in answering this before any decision is come to.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): That is not my point. May I know whether it is the proposal to levy fees in the General Hospital alone or for all the hospitals in the State?

MR. JAMES SIMPSON (*Darbar Physician*): The whole question is under the consideration of Government.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): May I know whether such a course is in vogue in any part of British India?

MR. JAMES SIMPSON (*Darbar Physician*): Yes.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know in regard to the levy of fees for the supply of medicines to out-patients who originated this proposal?

MR. JAMES SIMPSON (*Darbar Physician*): The whole question is under the consideration of Government.

MR. K. PADMANABHAN (*Chirayinkil I*): That is not my question, Sir. I want to know who originated this proposal of levying fees for the supply of medicines?

MR. JAMES SIMPSON (*Darbar Physician*): Government.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know the reasons which induced the Government for bringing such a proposal?

MR. JAMES SIMPSON (*Darbar Physician*): Probably to meet the expenditure which is increasing from year to year in the Medical Department and secondly to help the unemployed doctors to set up private practice.

MR. S. J. NAIR (*Nedumangad*): May I know whether a Committee has been appointed to go into the whole question and see whether it is feasible or not to levy fees for the supply of medicine?

MR. JAMES SIMPSON (*Darbar Physician*): I think this question was discussed by the Retrenchment Committee three years ago.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether this practice exists anywhere else?

MR. JAMES SIMPSON (*Darbar Physician*): Yes.

MR. A. S DAMODARAN ASAN (*Mavelikara*): May I know whether there was any representation from the unemployed doctors to reduce their unemployment by levying fees for medicines in the General Hospital?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Governmrnt*): That information is not with the Government. It is the President who admits the questions.

PRESIDENT: Questions relating to interpellations and their answers are dealt with by the President as President of this Assembly and the Government of Travancore has nothing to do in that matter.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Then may I know whether the number of questions that are admitted by the President and answered in the House are not usually published every year in the administration report of the Government?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): They are published in the administration report.

PRESIDENT: Certain informationi s asked for from departments by Government and it is supplied by the heads of departments. They are treated for certain purposes as members of this House. But they have other duties also as heads of departments to furnish information. The question of admission of interpellations and the question of dealing with the answers furnished by the heads of departments are matters for the President. Once they come into this Assembly the sole jurisdiction vests with the President and the Assembly.

Acting clerks in the Secretariat.

25. ***MR. K. M. KRISHNAN** (*Ambalapuzha II*): Will the Government be pleased to lay on the table a statement showing:

(*a*) the names of persons who are now (on 17-11-1111) acting in the scale of Rs. 75-100 in the Secretariat;

(*b*) the dates on which each of them began to act in that grade;

(*c*) the period of total service of each of them in that grade; and

(*d*) the present salary of each of them?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*), (*b*). (*c*) and (*d*) A* statement containing the required information is laid on the table.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know whether the acting clerks have now been confirmed?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Some of them have been confirmed.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know their names?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Messrs, T. G. Ramasubba Iyer, P. K. Sreedharan Pillai, M. Padmanabha Pillai and N. Raghavan Pillai.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether any other clerk who entered service later than the clerks mentioned in the list have been confirmed?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir.

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*Vide Appendix—II page 73.

MR. K. MAHOMED (*Alwaye*): Is it the only occasion on which such concessions are shown to clerks in the Office of the Private Secretary to the Dewan?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir. There were other occasions also.

MR. K. MAHOMED (*Alwaye*): Was it not done in conformity with precedent?

RAO BAHADVR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I have already said, Sir, that on previous occasions too this was done.

Appendix I.

***Vide* Answer to Question No 11**

Statement showing the names of clerks in the P. W. D. who were given extension of service in 1108, 1109, 1110 and 1111 (till 6-3-1111) and the reasons therefor.

Name.	*Grade*	*Period of extension.*	*Reasons for the extension.*
Mr. K. N. Velu Pillai, Clerk, Kottayam Division.	Rs-25-3/2-35.	From 23-11-1109 to 30-6-1110-	The clerk was found fit for active service.

Appendix II.

Vide Answer to Question No. 25,

Statement of clerks in the Secretariat acting in the Rs. 75-100 grade.

No.	Name.	Date on which acting in 75-100 begins.	Total service in the grade. Y.	M.	D.	Present salary (17-11-1111) Rs.
1	T. G. Ramasubbier .	8-8-1106	3	11	14	90
2	P. K. Sridharan Pillai .	28-8-1106	3	9	3	85
3	M. Padmanabha Pillai .	6-9-1106	3	6	27	85
4	M Uusuff Sait .	13-10-1106	3	5	16	85
5	K. K Madhavan .	13-6-1108	3	3	27	85
6	M. C Abraham .	1-9-1108	3	2	23	85
7	R. Keralavarama Thirumulpad .	1-9-1108	3	2	8	85
8	R. N. Kunjukrishna Pillai .	1-3-1109	2	8	23	85
9	G. Sekharan .	9-10-1108	2	8	21	80
10	P. N. Candrasekharan Nair.	19-10-1108	2	5	3	80
11	P. Narayana Iyer. ,	1-7-1109	1	9	17	80
12	M. Arumugom Pillai .	4-7-1109	1	0	17	75
13	N. Raghavan Pillai .	5-8 1110	1	3	19	75

PRESIDENT : Before proceeding with the Agriculturists Relief Bill I may ask whether it will be convenient for the Honourable Members of the House if the House adjourns at half-past one, that is to say, to sit half an hour longer than the usual time to-day and then adjourn. If there is any note of dissent I would not press the point.

(No dissentient voice)

LEGISLATIVE BUSINESS.

THE TRAVANCORE AGRICULTURISTS' RELIEF BILL—(*contd*).

Clause 3.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, last evening I was dealing with the nature and position of Conciliation Boards in other places in India. A large volume of criticism against my amendment was based on the position supposed to exist in other Provinces of India and in some Native States. I would say at once that our scheme of conciliation is much more ambitious than the schemes formulated anywhere in India. Both the debtors and creditors have of course to be brought together for conciliation. The number of persons that have thus to be brought would be much larger here and I may also add that the scope of our conciliation is also much larger both in regard to quality and quantity of debts. In regard to the quantity of debts to be brought under conciliation, a minimum as well as a maximum are very often fixed elsewhere. For example in the Central Provinces sums below Rs. 150 would not be conciliated. In Madras no amount below Rs. 100 would be conciliated. This is one side of the matter. In some other places a maximum is fixed. In Punjab it is Rs. 10,000 and in the Central Provinces it is Rs. 25,000, and amounts above these will not be conciliated. Thus a limitation exists as to the volume of the debts that will come in for conciliation.

MR. S. J. NAIR (*Nedumangad*) Then may I know why is it such a limitation was not fixed so far as our legislation goes? May I know whether anybody objected to it?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That question does not arise. The fact is there and nobody has objected to it till now. We must take the Bill as it is. It provides for conciliation of *all* debts, be the amount Re. 1 or Rs. 10 or Rs. 10,000 or even lakhs. There is no limit as regards the volume of debt to be brought under conciliation. This comprehensive scale of operation has not been tried elsewhere in India.

Again in regard to the quality also of the debts there is difference. We are bringing within its scope all kinds of debts. Trade debts, debts due to co-operative societies, rent debts, etc—all these come within the ambit of conciliation. These are not allowed elsewhere in India. Thus then, it must be noted, that practically all kinds of monetary transactions are to be brought in for conciliation. That necessarily involves a large volume of work. We cannot now say where we would stand.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know from the Law Member, if this Bill is more beneficent to the agricultural population than other legislations of similar kind in British India, why he is denying it to some persons

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): For the hundredth time let me say that I am not denying

the benefit to any agriculturist. I am only saying that we have to be very cautious and that therefore there may be some delay in bringing the benefit to some.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Then may I know—

PRESIDENT: The honourable members must remember that this is not question time.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Does not the member think that the delay in giving relief is tantamount to denial?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, Sir. I will never admit that, because that is not a fact. Sir, I was saying that the volume of the work that would go before the Board under our scheme is unlimited. Those responsible for this Bill believe that the Bill would prove to the benefit of the agriculturist in general and they do not want to curtail its scope as by limiting the volume of the debt that may be allowed to go before the Board. In regard to the nature of the debts too, we are not excluding any kind of debts such as trade debts or rent or debts due to co-operative societies. Practically therefore *every kind* of debt and that to any *amount* can be brought before the Board. Again if you look at the definition of the term 'agriculturists' you will find that it includes practically everybody. If you look at similar enactments in other places you will find that that it is not so. There are considerable limitations as to who alone would be an agriculturist Again there is what may be called a money-lending class or sowcar class in other places, who form the bulk of the creditors. Here you can hardly find a limited class as the money-lending class except in one or two places. Yesterday some honourable member said here that about 20 lakhs of people in Travancore are debtors. I should add that if so there would be 20 lakhs of creditors also. The example of Bhavnagar was quoted.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I ask whether it has been found by the A. D. R. Committee that 50 per cent of the total debt in Travancore is owned by the creditors?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*). It may be. But it cannot be said that when we are trying to conciliate debts this fifty per cent. can be excluded. The House itself and those responsible for the Bill did not try to exclude any debts. If you exclude debts, say below Rs. 150, or above, say Rs 5,000, there will be a large exclusion.

MR. S. J. NAIR (*Nedumangad*): May I know whether at the time of making the rules it will not be possible to limit the amount?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not know. However, I will bear in mind the member's suggestions if necessary.

Sir, the fact remains that there is no limitation under our scheme in regard to volume of the debts that could be conciliated. In regard to the *number* of creditors too it is much larger here than elsewhere, there being no particular class of people here as the money-lending

[Mr. Kayalam Paramesvaran Pillai.]

class. I was referring to Bhavnagar which was cited very often in this House. There, the agricultural debt has been reduced, it was stated, by about 25 per cent. or so. The number of people dealt with there was very limited. If you could get hold of some 25 or 30 creditors there and their books, you would have got practically all transactions and you can easily deal with these 25 or 30 or say even 100 persons. The total debt here may amount to some 30 crores and the debtors and creditors will number about 20 lakhs of people each, though of course the debtor may be a creditor also, so that the number and the nature of debts and debtors and creditors will be much larger here. That is why I say that we are trying an experiment, an ambitious experiment. I do not want to dilate on this I will just quote the words of the Dewan --I think it is permissible for me to do so—given in reply to a Deputation that recently waited on him on this Bill. He said :

> "I was struck by certain features of the Bill which in my opinion is more comprehensive than any other that I have seen—I have studied the Punjab Legislation, the Central Provinces Legislation and the Madras Legislation—I think it would be correct to say that this Bill is wider in scope than any legislation that I have studied".

It is rather embarrassing to compliment or evaluate the Dewan who is presiding just now. But may I not say, that in him you have a very eminent lawyer, a far seeing statesman and a shrewd economist, and that there is none more competent than he to. .....

PRESIDENT : Order, order. I think the honourable member's observation is not relevant.

MR. SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*) : I wish to put one question. With reference to the passage read by the Law Member I am asking this question. Does the Dewan say that the relief shall not be given to any set of people ?

PRESIDENT: It is not permissible for the honourable member to interrogate the Dewan indirectly in this manner (*Laughter*).

MR. SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*) : A word of personal explanation, Sir.

PRESIDENT : It is not necessary. The President does not need any personal explanation on a matter which concerns the Dewan. The Law Member will now proceed.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I was trying to explain that our scheme is much more ambitious and comprehensive than those inaugurated elsewhere, and let us hope that by the grace of God we will succeed.

Having regard to the magnitude of this experiment, the House will I dare say expect the Government to proceed cautiously and step by step.

Now in regard to the nature of the proposals contained in this Bill, I may perhaps refer also to the opinion of the High Court which was given very recently, which has been placed in the library of the House.

PRESIDENT: Has the honourable member placed the opinion of the High Court on the table of the House?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): t is being placed. The High Court say:

> "The definition of the term "agriculturists" in the Bill is far too wide so as to take in practically most of the non-agriculturist debtors of the State. The definition of the term "debt" is also equally wide so as to include commercial debts, debts incurred for marriages, house-building or for extravagance and speculation, incurred by agriculturists for non-agricultural purposes".

PRESIDENT: Order, order. The general principle is that when members representing any departments of Government refer to documents, they should have been placed on the table of the House for some time before the reference is made in order to enable the members of the House to have an idea of the contents of these documents. I make an exception in this case. Hereafter the members representing departments of Government will take note of this fact.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, it will thus be seen that our scheme is much more ambitious and comprehensive than that elsewhere and therefore the work that will fall to the Board here will be much larger in volume and extent. It is but right that this House should allow Government to proceed cautiously and step by step.

I said that the scope of debt conciliation in the Central Provinces is limited. Yet what is it that was done there? In spite of limitations there, they appointed but two boards at the outset and added six more after some time. Honourable members may see it from the Agricultural Debt Redemption Committee's report, page 88, which says:

> "The Central Provinces Debt Conciliation Act was passed in 1933 and, so far eight Debt Conciliation Boards have been established under the Act. The work began with two Boards only in areas where indebtedness was very heavy and the chances of settlement favourable".

In Madras, the Boards have not yet been established. The law was passed some time ago; but they have only just now published the draft rules. The author of the Bill that became the law made a criticism of this tardiness, at the seventh annual conference of the Primary Land Mortgage Banks held recently in Madras. He complained that the Government did not yet bring the Boards into operation. The Honourable Sir Geoffray Bracken, the Madras Finance Member, who opened the conference replied that that was due to the fact that Government had to proceed cautiously and without creating any alarm to the creditor classes. It may be interesting to the House to hear what the Honourable Finance Member said. I shall read it:

> "There remains the Debt Conciliation Bill for which your President is mainly responsible. A beginning will shortly be made with Debt Conciliation Boards. Now, however desirable the scaling down of debts may be, I must sound a

[Mr. Kayalam Paramesvaran Pillai.]

note of caution. It is an extraordinary remedy devised to meet the extraordinary situation created by the world wide economic depression and it has its disadvantages and dangers. I have already alluded to the danger of destroying the delicate fabric of credit. That this danger is real can be illustrated by the experience of some of the Loans Officers now engaged in scaling down debts as a preliminary to the grant of loans. Though the arrangements made between creditors and debtors are purely voluntary, it hss been reported that some debtors are reluctant to come forward to get their debts scaled down, because they fear that their creditors who generally speaking have treated them fairly will hesitate, if debts are once scaled down, to make any further advances. Evidently the rural population is more alive to the realities of the situation than some of our doctrinaire socialists If such is the case with the voluntary scaling down of debts, I leave it to you to consider what will happen if an element of compulsion is introduced. It is for this reason that Government have to be cautious in framing rules for Debt Conciliation Boards. Actually the Special Loans Officers have been doing debt conciliation work by scaling down debts before granting loans. The experience gained will be valuable in framing rules, but, as you know, the time most of the Loans Officers have been engaged in the work has been short. This explains the delay in bringing the Debt Conciliation Act into operation."

Sir, the fear alluded to is a natural fear felt by the creditor as well as by the debtor. At the same time I must say that Government are convinced that the debtors do stand in need of relief and we cannot allow any feelings of alarm to stand in the way of the relief being given. We must therefore proceed cautiously and make conciliation to scale down the debts without creating any alarm in the minds of the creditors. That is why I say, let us go step by step. I may mention that, so far as I have been able to ascertain, there is no place in India where Conciliation Boards have been set up to function throughout the Province or State. Mysore was quoted yesterday. So far as I have been able to ascertain, only certain portions of the State are under conciliation. That is the case in other places too. It will be a dangerous proceeding if all at once we bring the whole of Travancore within the jurisdiction of the Conciliation Boards. Let us start with a few Boards and then extend.

Once again, let me repeat that my objet is not to *deny* the benefit of conciliation to anybody. Government only want permission to extend it gradually. To accept the present provision in the Bill will result in starting all the Boards together simultaneously and throughout the State or, in the alterntive, in not starting any board at all. As the Bill stands, Government are not bound to establish *any* Boards. Starting any Board is left to the discretion of Government. But Government do want to establish boards and try them; they cannot however establish many Boards and that throughout the State. Will the House give reasonable facilities to Government to establish some Boards to start with and then extend? Or, rather would the House see that the Government do not start any Boards at all? That is the question.

The amendment was then put and carried.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I demand a poll. A poll was taken and the House divided as follows :—

AYES.—40.

1 Mr. N. Abdur Rahiman Sahib
2 ,, C. V. Chandrasekharan
3 ,, S. Chattanatha Karayalar
4 ,, P. Chidambaram Pillai
5 ,, Antony George
6 ,, K. George
7 ,, M. Govinda Pillai
8 ,, M. Mahomed Haneef
9 ,, M. K. Janardana Kammath
10 ,, T. S. JayantanNampootiri
11 ,, T. C. Joseph
12 ,, K. C. Karunakaran
13 ,, N. Kesava Panickar
14 ,, T. T. Kesavan Sastri
15 ,, K. P. Krishna Menon
16 ,, E. V. Krishna Pillai
17 Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai
18 Mr. K. Kunjukrishna Pillai
19 ,, P. C. Kuriyan
20 ,, K. Madhavan
21 ,, K. Madhava Kurup
22 Mr. M. K. Madhavan Pillai
23 ,, K. Mahomed
24 ,, P. C. Narayanan Bhattatiripad
25 ,, Pacode A. Narayana Pillai
26 Srimati T. Narayani Amma
27 Mr. G Nilakantan
28 ,, K. Padmanabhan
29 Rao Sahib Mahakavi S. Paramesvara Aiyar
30 Mr. Kayalam Paramesvaran Pillai
31 ,, R. Pitchu Aiyangar
32 ,, V. Ramakrishna Panicker
33 ,, R. Raman Pillai
34 Rao Bahadur A Rengasvami Aiyar
35 Mr. R. Sambasiva Aiyar
36 ,, James Simpson
37 ,, M. Sivathanu Pillai
38 ,, A. Thanu Pillai
39 ,, John Whitely Tolson
40 ,, G. B. E. Truscott

NOES—22.

1 Mr. K. C. Abraham
2 ,, A. Achyutan
3 ,, T. K. Alexander
4 ,, A. S. Damodaran Asan
5 ,, A. Easwara Pillai (*Kalkulam II*)
6 ,, A. Easwara Pillai (*Kottarakara*)
7 ,, K. R. Elenkath
8 ,, S. J. Nair
9 ,, T. C. Joseph
10 ,, K. M. Krishnan
11 ,, N. K. Krishna Pillai
12 ,, Puthupalli S. Krishna Pillai
13 Mr. T. Krishna Pillai
14 ,, K. A. Narayana Pillai
15 ,, Edavanatt S. Padmanabha Menon
16 ,, Kainikkara M. Padmanabha Pillai
17 ,, R Sivaraman Nair
18 ,, P. K. Thomas
19 ,, N E. Varughese
20 ,, V. K. Velappan Nair
21 ,, T. P. Velayudhan Pillai
22 Sadasya Tilaka T. K. Velu Pillai

NEUTRALS—7

1 Mr. V. T. Chacko
2 ,, Pottayil S. Krishna Panicker
3 ,, E. K. Kunjuraman
4 ,, K. M. Kuriakose
5 Mr. S. Nilakanta Pillai
6 ,, Changanacherry K. Paramesvaran Pillai
7 ,, S. Tiraviam Nadar

The amendment was carried.

Clause 4.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move the following amendment:—

> In Clause 4, sub-clause (2), line 1, for the word "make" substitute the word "made".

It is intended to correct a clerical error.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

The amendment was put to vote and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move the following amendment:—

> In Clause 4, sub-clause (4), line 1, for the word "sub-clause", substitute the word "sub-section" in both the places where the word occurs.

That is also more or less a verbal alteration.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

The amendment was put to vote and carried.

Clause 15.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move the following amendment:—

> In Clause 15, in the proviso to sub-clause (1), line 1, for the words "any reduction shall", substitute the words "shall any reduction".

That is also only a verbal amendment.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

The amendment was put to vote and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move the following amendment:—

> In Clause 15, in the proviso to sub-clause (1), line 2, after the word "date" insert the words "of the commencement".

That is also a verbal correction, for purpose of uniformity.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

The amendment was put to vote and carried.

Clause 16.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move the following amendment:

> In Clause 16, sub-clause (3)' for the numbering "(8)", substitute numbering "(3)".

It is intended to correct a clerical mistake.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

The amendment was put to vote and carried.

Clause 17.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I beg to move the following amendment :—

> In Clause 17, sub-clause (3), for the numbering "(9)", substitute the numbering "(3)".

This also is to correct a clerical error.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*). I second it.

The amendment was put to vote and carried.

Clause 19.

MR. KAYALAN PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : With your permission, Sir, I beg to move an amendment to Clause 19.

> In line 8, substitute the word "or" for the word "on" occuring after the words "or order".

This is also intended to correct a clerical error.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*) : I second it.

The amendment was put to vote and carried.

Clause 20.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I beg to move the following amendment :—

> In Clause 20, number the existing Clause as sub-clause (1), and add the following as sub-clause (2), namely :—
>
> "(2) Notwithstanding anything in sub-section (1), the application shall be deemed to have been dismissed if within the pescribed period the application has not been disposed of by the Board".

Although my amendment to Clause 3, has been carried, I may frankly tell the House that it is the desire of the Government to establish as many Conciliation Boards as possible. But such a course may very likely result in the Boards in not being able to dispose of their work very expeditiously. And the result of such delay will be that Court proceedings in respect of money claims will stop indefinitely. Such an eventuality is undesirable as it is against public policy. It will also injure credit transactions in the State. There are people in Travancore who have got money to lend. It is desirable to see that they do not become reluctant to lend their moneys, and they will become reluctant if Courts are at a standstill.

There are two ways of preventing the Court proceedings being stayed indefinitely by reason of the pendency of conciliation proceedings. One is to lay down that the proceedings in Courts shall not be stayed at all, or, if they are to be stayed, they may be stayed only for a limited period. The other alternative is to lay down that the cases before the Board shall be deemed to have been dismissed if they are not actually disposed of within a prescribed period.

[Mr. Kayalam Paramesvaran Pillai.]

During the second reading of this Bill, when Clause 28 was under debate Mr. Damodaran Asan suggested that it would be desirable to amend Clause 20 to the effect that applications for concilations before the Board shall be deemed to have been dismissed if they are not actually disposed of within a specified period. With a view to ascertain whether the House would be prepared to accept that suggestion, and in order to give the House an opportunity to express its opinion on the suggestion of Mr. Asan, I am placing this amendment before the House. I have given notice of an amendment to Clause 28 also.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I oppose this amendment. There seems to be other amendments also.

PRESIDENT: I have received notices of the following amendments:—

By MR. R. SIVARAMAN NAIR:

"In amendment No. 8 to Clause 20 for the words occurring after 'sub section (1)' substitute "all applications pending on the file of the Board on the date of its dissolution shall be deemed to be dismissed on such date."

In amendment No. 9 to Clause 28 for "for the prescribed period" substitute "till the dissolution of the Board."

In amendment No. 11 to Clause 36 omit the words "and in existence on such date."

In amendment No. 12 to Clause 38 after the word "treated" insert the following viz., "for the purpose of this Regulation."

By MR. A. S. DAMODARAN ASAN:

In line 4 between the words "dismissed" and "if" insert the words "for purposes of Clause 28" and add at the end as a separate paragraph:

"Provided that this sub-section shall not apply for a period of three months after the prescribed date where the Conciliation Officer, for reasons to be recorded in writing, orders than an extension of the prescribed period is necessary in the general interests of the parties before him."

In line 5 of Clause 38 between the words "date" and "as" insert the words "for purpose of fixing the annual pattom for such period."

By MR. PUTHUPALLI S. KRISHNA PILLAI:

In line 4 delete the words "prescribed period," and substitute "period of twelve months from the date of the presentation of the application under Section 4."

Under Standing Order No. 43, notice of six clear days has to be given in regard to these amendments. Of these amendments, those by Mr. Sivaraman Nair were received on the 12th; Mr. Asan's amendments were received on the 16th; and Mr. Puthupalli Krishna Pillai's was received only at 11-15 this morning. I shall take up these amendments and put them, one after another, to the House to see whether there is any member objecting to it on the ground of want of notice.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I would submit one point for the consideration of the Chair. These are amendments to amendments. At the third reading of Bills we are entitled to bring forward amendments only to the amendments brought forward by the Government. Under the Standing Orders, even for the amendments to

be brought forward by the Government at the third reading, the prescribed notice is only six clear days. It is therefore not possible for us who have to propose amendments to amendments of which we get only six days' notice, to give notice of our amendments. Therefore the Standing Order referred to by the Chair applies only to the original amendments themselves and not to the amendments to those amendments.

PRESIDENT: Is it the honourable member's contention that the Standing Order 46 does not apply at this stage? The Standing Order 46 is:—

"......... ...No amendments other than those connected with the amendments moved on behalf of Government shall, without the special permission of the Dewan, be brought up for the consideration at this stage."

MR. A. S. DAMODARAN ASAN (*Mavelikara*): So amendments connected with the amendment moved by the Government can be moved without the special permission of the Dewan.

"........No amendments other than those connected with the amendments moved on behalf of Government shall, without the special permission of the Dewan, be brought up for consideration at this stage."

PRESIDENT: I think the honourable member is right. I allow the amendment to be moved.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, with regard to Mr. Sivaraman Nayar's amendment I have got an objection. It is really a negative of the Clause.

PRESIDENT: Let him move it.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): I move that –

"In amendment No. 8. to Clause 20 for the words occurring after sub-section (1) substitute "all applications pending on the file of the Board on the date of its dissolution shall be deemed to be dismissed on such date."

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is really a negative of the Clause and not any amendment at all.

PRESIDENT: Does the honourable member Mr. Sivaraman Nair wish to say anything on that matter?

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): The Law Member's amendment says that all applications pending after a prescribed period shall be dismissed. My amedment is connected with that.

PRESIDENT: In substance it negatives the Clause. Therefore I hold that it is not admissible.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I move that —

In line 4 between the words "dismissed" and "if" insert the words "for purpose of Clause 28" and add at the end as a separate paragraph:

"Provided that this sub-section shall not apply for a period of three months after the prescribed date where the Conciliation Officer, for reasons to be recorded in writing, orders that an extension of the prescribed period is necessary in the general interests of the parties before him."

[Mr. A. S. Damodaran Asan.]

I shall briefly explain the object of my amendment. The Law Member has said that his object in bringing forward this amendment is to see that the proceedings before the Civil Courts are not indefinitely held up owing to the pendency of the proceedings before a Conciliation Officer. Proceedings before a Civil Court are held up under the provisions of Clause 28 of the Bill. Under Clause 28, the proceedings have to be suspended unless for special reasons to be recorded in writing, the Court feels that such suspension is not desirable. The only ground that has been brought forward by the Law Member in support of his amendment is that the proceedings should not be suspended. If the amendment of the Law Member as now brought forward is accepted the application will be dismissed for all purposes. That is to say, even if conciliation proceedings have advanced to a fairly successful stage and some more time is required during which the conciliation could be effected, automatically at the close of the prescribed period the application has to be deemed to be dismissed. That means that the work of the Conciliation Officer for such a long time, the expectations raised in the parties, and the suspension of the proceedings by the Civil Courts will all be useless, because on a particular date the conciliation proceedings have not been completed. So, I am suggesting in the first part of my amendment that the dismissal must be only for purposes of Clause 28, *i. e.*, only as far as the suspension of the proceedings of the Civil Courts is concerned.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know whether it is the suggestion of the member that proceedings may go on simultaneously before the Board and the Court on the same matter?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I think that there is no serious objection in having proceedings before a Civil Court with regard to a debt that is being sought to be conciliated by a Conciliation Board, because proceedings in the two places are entirely different. Proceedings before a Conciliation Officer are to be fruitful only if there is agreement between the parties and the agreement is arrived at on principles of equity as well.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Will not the admission made in the Board by parties affect the decision by the Civil Court?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I do not think so. What are the admissions made by the parties? I do not fully grasp the question.

PRESIDENT: If the honourable member does not understand the question he need not answer it.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): To explain my question, suppose a party admits the existence of a debt in the Conciliation Board which he is not under any obligation to admit before a Civil Court. In such circumstances will it not affect the decision of the Civil Court?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): If there is a real debt that is due and it is admitted be ore a Conciliation Officer, I do not think that any party will deny the existence of such a debt before the Civil Court?

PRESIDENT: The honourable member may resume his argument.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I was answering Mr. Thanu Pillai's question and submitting that there is no serious objection with regard to continuing the proceedings before the Conciliation Officer even though there is an application before the Civil Court.

The second part of my amendment is brought forward with this object. Proceedings before a Civil Court are suspended under Section 28 owing to the pendency of the proceedings before a Conciliation Officer. On the day on which the prescribed period expires, if the Conciliation Officer feels that that there is every chance of his amicably settling the whole dispute within a short time it is not fair to drive the parties to continue the proceedings before the Civil Court. Moreover we will find that owing to the existence of Clause 28, there is another provision in Clause 30 saying that the period of limitation as well will be extended. So if one of the creditors feels that the whole thing could be settled before the Conciliation Officer within a short period and the Conciliation Officer also hopes to conclude his proceedings within a short period it is only fair that both the debtor as well as the creditor should be given the benefit of the Clauses 28 and 30. That is why I wish to add that the sub-section (2) shall not apply if the Conciliation Officer, for reasons to be recorded in writing, orders that the extension of the prescribed period is necessary. There also it will be observed that I do not give an unlimited period. I extend it only to three months. Even the powers of the Conciliation Officer for extending the period are limited to three months. So I do not think that there will be any difficulty by the acceptance of these amendments. On the other hand, it will only advance the interest of parties who have proceedings before a Conciliation Board. If there is no such provision both the debtors and creditors will be very reluctant to go before a Conciliation Officer for relief, because for no fault of theirs, the Conciliation Officer will not be in a position to dispose of the petition within the prescribed period. With these words I commend the amendment to the acceptance of the House.

MR. K. PADMANABHAN (*Chirayinkil I*): What will be the position——

PRESIDENT: The honourable member has sat down.

MR. R. SIVARAMAN NAIR (*Thiruvalla II*): I second the amendment. An application may be dismissed when the applicant fails to pursue his application with due diligence and when there is fraud. Now the present amendment seems to imply that all applications will be dismissed which have not been disposed of within a prescribed period. We are not sure what will be the prescribed period. It may be three

[Mr. R. Sivaraman Nair.]

months, it may be six months or it may be one year. If that be so, in such cases it may not be due to the want of diligence or due to fraud that the application is dismissed by the Board. By the provisions of the Regulation we know that several notices have to be given to the creditors and debtors as the case may be. In some cases evidence has to be taken, witnesses to be examined and there is a lot of complicated procedure. We know that in the disposal of the application the Board has more to use its discretion rather than the application of any code. As the honourable Law Member remarked, it is quite possible that the Board may take some time. It may take more time than even a Court to dispose of a case. By prescribing a period some of the applications may be dismissed automatically for no fault of the parties. It indirectly gives power to the Board to arbitrarily dispose of some applications. If a Board is of opinion that some applications need not be disposed of, it has only to keep that application without taking any action on it. If a Board does not want to deal with the application of a particular debtor or a creditor it need only keep the application pending till the end of the prescribed period. At the end of that period the application is dismissed automatically. So it gives arbitrary power to the Board.

It may also become necessary by this amendment to dismiss some applications after taking the whole evidence, say on the eve of the prescribed period. If it is two months, under the present amendment, on the 60th day the application automatically goes whether the whole evidence and other materials have already been taken or not. The Board even if it wants cannot keep it pending even a day more, though all the facts necessary for the disposal of the application may be with the Board itself. But the present amendment gives power to the Board to extend the time in such cases when the Board feels that within a little more time the application can be disposed of. So, Sir, I support the amendment moved by Mr. Asan.

MR. A. THANU PILLAI (*Trivandrum-Rural*) ; Sir, I rise to oppose both the amendments. I am not at all satisfied of the necessity.........

MR. E. V. KRISHNA PILLAI (*Pathanamthitta*) : Sir, a point of order. Has the Law Member moved his amendment? Mr. Thanu Pillai said that he is opposing both the amendments. My submission is that the Law Member has not moved his amendment.

PRESIDENT : He has moved. I heard him moving the amendment.

MR. A. THANU PILLAI (*Trivandrum-Rural*): The Conciliation Boards are proposed to be established on the basis that they are good enough at least for a trial. Now if these Boards are expected to form a satisfactory and desirable means of conciliating debts, why not allow the Board the time required to conciliate a particular debt? Now the Law Member has not advanced any reason for his amendment except this that the proceedings before the Board may not be expeditious and thereby the sources of our credit may be dried. That object I understand. But he has also advanced as a reason to establish Boards that the

will form a useful means of conciliating debts. Then I ask why not give them sufficient time for this? Now Sir, let us see how delay is caused in the disposal of conciliation. The delay may be due to the negligence of parties or may be due to other proper and valid reasons. In the latter case I do not see any justification for taking away these cases from the Boards, simply because a particular matter requires more than six months to be disposed of. There may be a large number of creditors and several parties to be consulted, statments must be taken, and all these things may take more than six months or even a year. In that case the Law Member says, at the close of three months, the whole proceedings, should drop. I think it will be quite unwise to adopt this amendment. The Law Member is also not in a position to give us the exact period for the conciliation of a particularly complicated case. He said more time was required only in very exceptional cases. Then I ask is it not just and fair that for such cases a little more time should be allowed? To deal with normal cases we have already made ample provision in Clause 20. The Clause reads thus :

> "An application under Section 4 may be dismissed by the Board at any stage of the proceedings—
>
> (a) if, in the opinion of the Board, the applicant fails to pursue his application with due diligence :
>
> Provided that, when such applicant is a creditor, the Board, instead of dismissing such application, may substitute the debtor or any other creditor, who shall thereafter be deemed to be the applicant for the purpcses of this Regulation ; or
>
> (b) if, for reasons to be stated in writing, the Board considers it not desirable or practicable to effect a conciliation ; or
>
> (c) if the application includes a claim which, in the opinion of the Board, is collusive and intended to defraud any creditor".

To me it appears Sir, everything necessary is provided for in this Clause. If the party is negligent the application goes. If the Board thinks it impracticable the application goes and if the Board thinks that the application is not a *bona fide* one it goes. What more do we want? Why not vest the Board with the discretion of fixing the period according to the merits of each case and why this arbitrary time fixed by the rule. I strongly oppose the amendments put forward by the Law Member and Mr. Asan.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I also rise to oppose both the amendments. In principle, I do not find there is much difference between the two amendments. The amendment of the Law Member is, I think, highly objectionable. Firstly, Sir, under Standing Order 46 there is a provision, I might submit, that at the third reading of a Bill, only the Government can bring in an amendment. Therefore one can understand the necessity of Government bringing in amendments at this stage to see that the provisions of the Bill as proposed by Government are restored, when that is deemed absolutely necessary. But my submission is that the Law Member without availing himself of the opportunity during the second reading of the Bill is now putting

[Mr. K. Kunjukrishna Pillai.]

forth his amendment when the Bill is about to be passed into law, thus making a substantial change in the Bill as introduced by him. If the amendments were brought under such exceptional circumstances, with the permission of the Dewan, to restore any provision of the Government Bill I can understand him. But Sir, the Law Member's amendment has never been suggested during the course of the whole discussion during the sittings of the Select Committee. It has not been brought up by him during the second reading. The reasons for this amendment were not given at the Select Committee. To bring in such an amendment during the third reading is to abuse the special powers given under Standing Order 46. I may also be permitted to say that an amendment akin to this was put forward by Mr. Sambasiva Aiyar, but the Chairman did not admit that amendment. Mr. Aiyar had specified six months to dismiss an application. Now, Sir, this House is not made aware of the period. Sir, it is a very serious objection to give Government such rule making powers when it could be avoided. Every body can understand that there must be residuary powers for Government for making rules. What is the difficulty to prescribe the period here and now?

I oppose Mr. Asan's amendment because it accepts the principle of the amendment of the Law Member to prescribe any period that they like, but he asks for only three months more. Now the Government are put in possession of the effect of Mr. Asan's amendment. If Mr. Asan's amendment is carried, there would be the likelihood of the Conciliation Officer asking for an extension of time and Government may fix the period accordingly. The whole effect of the amendment of Mr. Asan is thus nullified. The A. D. R. Committee themselves have recommended that only persons of eminence and character should be entrusted with this delicate and important piece of work. I see no reason why the Government should be invested with such powers This power will work incalculable hardship to the parties who come for conciliation and would take away the benefit given by these provisions. The Law Member was very eloquent when he said that the Bill would provide relief to every kind of debtor. But if this amendment is carried this object will be frustrated. So this amendment is highly objectionable and harmful to the objects of the Bill. As my honourable friend Mr. Thanu Pillai pointed out, every possible facility is given for dismissing an application which is frivolous or collusive or which might cause undue delay. If the Conciliation Officer deems that a particular debtor who has put in an application takes an unduly long time there is provision in the Bill to dismiss his application. Therefore I do not see any reason why there should be any of these amendments. If the Goverrment had fixed a period, a reasonable period—say three years, then I can understand this provision. One fails to understand, the justification or usefulness of these amendments, nor am I able to see any urgency for this amendment. Hence I oppose both the amendments.

MR. S. J. NAIR (*Nedumangad*): I rise to oppose both the amendments. From the arguments advanced by the Law Member at the instance of Government, it appears to me at least that the Government is not willing to render relief to the suffering inhabitants of the State.

Whatever may be the view of the eminent Law Member, so far as this Bill is concerned, it is my humble submission that it would render no substantial help to the suffering inhabitants of the country. As a result of the amendments that are being brought forward, it appears to me that the Government want to deprive the agriculturists even of the little benefit that they would have otherwise obtained. Sir, it seems to me, from the provisions of the Bill, that the member of the Board is to be a Government servant and that he is to be appointed by Government. The Board would also be an one member Board. Such being the case, we find that there are wide powers, and wide scope with the Government to see that proper persons are appointed to work out effectively the conciliation process. In the face of such provisions it passes the comprehension of any wise man to understand why this amendment must be brought forward by the Law Member at this final stage of the Bill, so that the purpose of conciliation might be frustrated. Sir, if delay is caused in the matter of conciliation it would be under three circumstances, *viz*., either due to negligence on the part of the party or due to the difficulty of summoning ever so many debtors and creditors for conciliation purposes and for the purpose of properly disposing of the conciliation applications due to the inefficiency of the Conciliation Officer. For that purpose it is enough if the Government takes the responsibility of appointing efficient officers for conciliation. There is no use of appointing any person—any Tom, Dick or Harry—as the Conciliation Officer. There must be responsible men, men who feel the responsibility, men who have sympathy, imagination, and men who are experienced in this line of conciliation. Then, I am sure, that this conciliation purpose would not be frustrated, and it would not be delayed. Such being the case, the Government even at this stage, long before the appointment of the Conciliation Board, feel frightened that the conciliation process would be delayed. Sir, if these two amendments are carried, I am sure, the purpose of conciliation would be entirely frustrated and for that reason I oppose both the amendments.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*): I rise to oppose both the amendments proposed by the Law Member and by my honourable friend Mr. Asan. I wish to draw the attention of the House to the fact that the duties proposed to be assigned to these officers are hard to be performed in accordance with this Regulation. The Conciliation Officer is not called upon to adjudicate the various claims between the parties like the ordinary judicial officers. The most important work of the Concillation Officer is the determining or ascertaining the exact amount of liabilities and assets of the debtors who are appearing before the court and in the process of ascertaining all the assets of the debtors one cannot be so sure that it will be finished within the prescribed

[Mr. Pottayal S. Krishna Panickar.]

period of time. Perhaps he will have personally to supervise the valuation of very many properties involving lakhs and lakhs of rupees and at the same time he will have to examine many accounts and documents in order to ascertain the exact amount of the liability of the debtor. All these matters cannot, and could not be hoped to be effectively achieved within a prescribed period of time. Viewing the matter from this stand point, I think it is highly objectionable to fix a period before which every Conciliation Officer should perform all the duties assigned to him. If he fails to perform that and he is called upon to reject the application, then I submit that the time and energy spent upon the application beccomes wasted. Moreover, I cannot understand the anxiety of the Law Member to fix a period, as if the Conciliation Board were a non-official court of more than one member. Sir, the Conciliation Officer, according to the present Bill, is to be an officer appointed by Government. The choice of the person lies with Government He is completely under the control and supervision of the Government. If he is incompetent or if he is neglectful of the duties that are assigned to him, the Government can dispense with the services of the person and appoint a competent man instead. So, viewing this matter from that aspect, the amendment proposed by the Law Member is highly objectionable. Even if a period is prescribed my humble submission is that it is wrong both on principle and on practice.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, I have been listening to the speeches of the honourable members opposing the Law Member. I have sent up an amendment to the amendment proposed by the Law Member, and therefore I have stated..........

PRESIDENT: Are you moving it?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Yes, Sir I would like to move it.

PRESIDENT: I think it will be convenient if all the amendments of which notice is given are moved and discussed. I therefore allow Mr. Puthupalli Krishna Pillai to move this amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, we have no copies supplied.

PRESIDENT: This is the 11·15 o'clock amendment. I shall read it:

"Delete the words "prescribed period" in line 4 and substitute the following, *viz.*, period of 12 months from the date of the presentation of the application under Section 4".

The honourable members will notice that I have a reserve power in accordance with the Standing Orders for the conduct of the business to admit late amendments. I have relaxed the rule in this respect because the matter is important. But I find now that about 5 minutes ago some other amendment has been put in, I do not propose to allow any other amendments to be moved. This would be the last, Mr. Puthupalli Krishna Pillai.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, I beg to move the amendment just read out. And I may be permitted to explain the implication contained in it. It does not introduce any vast change. It merely prescribes or enables this House to prescribe the rules. If this House is in a position to come to an agreement on the period that might be fixed, this House would feel convinced that it has considered the decision. Personally, I think that this matter of prescription, as far as possible, will not be left to the discretion of the Government. I think it might be safer to consider the question here, rather than leave it to Government to consider when the rules are framed. Sir, what the learned Law Member said, is no doubt correct. Under Clause 28, whenever an application is presented to the court in proper form and the court entertains the application, it operates automatically as a stay of all proceedings against the applicant in the Civil Courts. In the discussion and acceptance of Clause 28 we agreed upon the principle that there shall not be simultaneous proceedings in two courts relating to one matter. It embarasses the debtor and prevents amicable settlement. At the same time it is necessary that debtors should not get the liberty to postpone civil proceedings indefinitely.

Now, we are giving concessions and facilities to both creditors and debtors and it is in the interests of both parties that they expedite their business, settle their debts and enable the court to come to a decision. At any rate, when one party creates obstructions, it must be made obligatory on the part of the Board to come to a decision forthwith. If it does not do this, it shall not be the fault of the Legislature. Now, Sir, our experience in courts of law would certainly embolden us to make the statement that all sorts of dilatory methods are being adopted by the clients for the purpose of gaining time. We are often made victims of the practice and are led on to participate in such practice. In some cases, Sir, the courts themselves take advantage of this method of the litigants. They themselves feel the anxiety for granting adjournments. Sometimes, when they are otherwise inclined they change their opinion after hearing the Vakils and then grant adjournment. Similarly, or under such circumstances, cases are liable to be postponed without any definiteness and if that were so, it will certainly affect the creditor interests and also the credit of the country. We can very well see that if by presentation of the petition before the Board, you could get an automatic stay of the proceedings in regard to the debt, a debtor who wants only the postponement of payments of the debt due from him can very well achieve his object by concentrating his attention on the Board. This will certainly embarass the creditors. It is therefore necessary that a time limit should be fixed within which the Board, if it does not pass final orders, should become *functus officio*. Such a provision will induce the debtor to be keen and watchful in the progress of the matter. It will cast a duty on the Board to be expeditious in the disposal. The combined influence of both would bring about a fruitful mentality in the creditor. It has been pointed out by the member for Nedumangad that the Government do not appear to show as much sympathy in this matter as they seem to express. I am

[Mr. Puthupalli S. Krishna Pillai.]

certainly not in a position to agree with that. I distinctly remember the Law Member's speech on Clause 3 of the Bill when the amendment was moved at the second reading. He said that Government do not hope to give us more than one or two Boards. When he opened his speech yesterday, he started with 5 or 6, and ultimately went up to 10. That is how he has been progressing. That indicates the attitude of the Government now. And to day, the amendment has been carried by an over-whelming majority. I may point out that this Bill is not intended for the convenience of the debtors; it is intended for the amelioration of their condition. The debtors must get the maximum benefit out of this measure while causing minimum disadvantage to the creditors. It is for that that I propose the time limit within which the Boards should dispose of applications filed before them.

Sir, there is nothing novel in this amendment. It has been discussed at great length in other Legislatures. In the Madras Act XI of 1936, in Section 17 we find a provision similar to the one that I now propose, although it is slightly different. There, a period of 12 months has been prescribed for this purpose. Certainly there must have been very good reasons for the Madras Legislature coming to that conclusion. Therefore I contend that a time limit must be fixed here also.

But, if the Law Member would assure us that the Government would fix any period more than 12 months, I am prepared to leave it to the Government to fix such period.

In reply to Mr. S. J. Nair, the Law Member said that, under this Bill the pecuniary jurisdiction of the Boards is unlimited and that it may extend from one cash to Rs. 100 lakhs. I wish to draw the attention of the Law Member to Clause 3 which we have already passed in which it is stated that the pecuniary jurisdiction of the Boards shall be fixed by the Government. It does not say that any amount, from one cash to a hundred lakhs of rupees, may be conciliated by the Boards. It *is* open to the Government to limit the pecuniary jurisdiction of the Boards.

Now, are we to leave this matter also in the hands of Government? They may conveniently or inconveniently forget it. Why not we also, as they have done in Madras, fix a period of 12 months. My humble submission is that it is better to fix a time limit; and, if the Law Member would give us the assurance that the period that he would fix would be more than 12 months, I am quite prepared to leave the period to be fixed by the Government.

With these words, I support the Law Member's motion with the amendment that I have made to it.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I oppose all the amendments.

The only argument advanced by Mr. Puthupalli S. Krishna Pillai in support of his amendment is that if a debtor takes it into his head to evade the proceedings before the Conciliation Officer and prolong the

period of disposal it is very easy for him to do it. Of course he bases his argument on his experience with his clients. Now, Sir, is it not open to the creditor also, if he takes it into his head to do likewise? He also can prolong the proceedings before the Board merely to see that under the provision now proposed by Mr. Krishna Pillai the application before the Board is deemed to have been disposed of and the matter is taken up by the Courts of Law. Therefore, that is no argument. I am not for fixing any definite period for this purpose.

There are ample provisions in Section 20 to deal with such of the debtors and creditors as are not sincere in their application to the Conciliation Boards. There is no necessity to fix any period. Further, any such provision, fixing a period, would be inconsistent with the spirit of conciliation as it was explained by the Law Member himself. The idea is that there should be the spirit of friendship, of give and take, of compromise. If Mr. Krishna Pillai was able to convince the House that twelve months' period was sufficient to dispose of any case, I could have understood him. Having failed in that, I do not find any reason to support him. I therefore oppose all these amendments. What is necessary is that arrangements should be made to see that the Boards dispose of these applications in as short a time as possible.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I am not in complete agreement with the amendment moved by the Law Member. My position is this. If that amendment is accepted at all it should be made subject to the conditions contained in the amendment proposed by Mr. Asan.

Clause 16 of the Bill prescribes one of the methods of disposal of these applications before the Boards. That Clause says—

> "If the debtor and the creditor or the creditors appearing before the Board agree to the conciliation proposed by the Board, it shall be reduced to writing in the form of an agreement and shall be signed by the debtor and the creditor or creditors and shall also be signed or otherwise authenticated by the Board......".

Two conditions are necessary; the parties must express their consent, and an agreement should be prepared and signed by them as well as by the Conciliation Officer. In some cases, the parties might have consented; but the prescribed time might expire before the preparation of the agreement and execution of it. I am of opinion that it is only fair, under such special circumstances, to authorise the Conciliation Officer to extend the time and to record in writing his reasons for so extending the time. If necessary, it may be prescribed that in no case shall an extension be granted for more than three months.

With these conditions, I support Mr. Asan's amendment to the Law Member's amendment.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I oppose the original amendment moved by the learned Law Member as well as the various amendments to that amendment, the by-products as it were, of the original amendment. This amendment involves a very important principle. It has been fully discussed in the Select Committee as well as in this House during the second reading. Clause 20 is the result of such anxious consideration on the part of this House, Sub-clauses (a),

[Pacode A. Narayana Pillai]

(*b*) and (*c*) of Clause 20 lay down the various reasons for which an application can be dismissed by the Board. Those reasons are comprehensive enough even to serve the object of the Law Member's present amendment. I would particularly refer to sub-clause (*b*) which vests the Board with sufficient power to deal with cases where it is not practicable or desirable to proceed with conciliation proceedings.

Secondly, Sir, this method of legislation by means of executive orders, especially on important matters like conciliation proceedings, is reprehensible on principle and must be condemned. It is not fair on the part of the Law Member, at this stage, to smuggle into the Bill a provision which was considered and thrown out at an earlier stage.

Lastly, Sir, in moving this amendment, the Law Member is out for mischief. It will be seen that the term he used in the amendment is 'prescribed'.

PRESIDENT : I take it that the honourable member uses the term 'mischief' in the parliamentary sense.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : Of course I am using the term 'mischief' in the parliamentary sense.

Sir, the term 'prescribed' is used in the amendment and Clause 2 sub-clause (*g*) defines 'prescribed' as prescribed by rules. And the Clause which empowers the Government to pass rules relating to conciliation is Clause 32. It will be seen that in Clause 32 there is no specific provision enabling Government to pass rules prescribing a period. That is a very important matter My submission is that it will be *ultra vires* of the Government, when Clause 15 makes provision for laying down the reasons for the dismissal of an application, to dismiss an application because the period has lapsed. When such rules are passed they will be met by this plea of *ultra vires* and there will be a lot of mischief and trouble in the interpretation of the various Sections.

Lastly, Sir, I would submit that this is a case of vicarious punishment. I can understand parties being punished for their laches. But here for the laches of the officers, parties are sought to be punished. We have heard of legislation in other places in which fathers are being punished for the sins of commission or omission of their sons.

PRESIDENT : The honourable member should not make reflections on other legislatures.

MR. PACODE A. NARAYANA PILLAI (*Vilavancode*) : Not in the least. I am saying this only by way of analogy. Under Section 15, the proceedings before the Board are judicial proceedings. The Board can take evidence. It is invested with sufficient powers as a Civil Court. So this will be something like a sword of Damocles hanging over the head of the Conciliation Officer. If the Conciliation Officer fails to dispose of the application within a particular time why should the poor debtor be punished? In my humble opinion that is a very mischievous provision—again I use the word 'mischievous' in a parliamentary sense. So I oppose the amendment of the Law Member and the other consequential amendments.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I may say at once that I am prepared to accept the latter portion of Mr. Asan's amendment which reads as follows :—

> "Provided that this sub-section shall not apply for a period of three months after the prescribed date where the Conciliation Officer, for reasons to be recorded in writing, orders that an extension of the prescribed period is necessary in the general interests of the parties before him."

I cannot accept the first portion of the amendment which requires the insertion of the words "for purposes of Clause 28". I am also opposing all the other amendments.

Sir, it does not require much argument to show that the conciliation proceedings should be expeditious. For one thing, the Civil Court proceedings cannot be allowed to be kept stayed indefinitely as would be the result if conciliation proceedings go on indefinitely. There is another important reason also why the conciliation proceedings must end soon. The amicable settlement which conciliation is, must be arrived at in the very nature of things as early as possible. If that settlement is not arrived at, the Conciliation Board proceedings will be but a replica of the Civil Court proceedings. Conciliation *must be* expeditious. That is a principle which must be borne in mind.

MR. K. C. ABRAHAM (*Kottayam II*); Is there anything in principle that the proceedings in Courts should not be expeditious ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No, nothing at all.

Sir, I said at the outset that one reason why I brought in my amendment was that Government might establish more Boards than one or two which was all that they intended orginally. Mr. Puthupalli Krishna Pillai says that in this, Government yielded to the House. Yes , that is so. I claim it as a privilege to yield to the views of this House ; and of course the House will also share the responsibility for the action taken accordingly. I do not certainly go back upon what I said that the number of Boards would be increased. But if the number of Boards is increased, the House must give discretion to the Government to prescribe a particular period within which each Board should dispose of the conciliation applications. It may not be possible for this House itself to lay down the period specifically ; that must be left to be prescribed by Government.

MR K. KUNJUKRISHNA PILLAI (*Quilon I*) : May I know from the member whether the number of Boards will determine the period of time.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) Yes to some extent, That is why I say that this House may not be able to specify a time.

MR. P. C. KURIYAN (*Kottayam I*): May I ask the member to let me know what provision there is for cases in which some delay is necessary?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is perhaps covered by Mr. Asan's amendment and I accepted it. I am not suggesting that the applications for conciliation should be disposed of summarily. If there is a reasonable chance of any agreement being arrived at it will be better by all means. But the Board should not feel that they can keep the application pending indefinitely. For statistical purposes too, a time limit may be useful.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know from the Law Member what according to him is the maximum period that could be granted from the date of the first hearing?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I cannot say it without deciding on the details of procedure. But on first impressions I may say that six months from the date of the first hearing should ordinarily be enough. I entirely agree with Mr. Krishna Pillai that the applications should be disposed of expeditiously.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I want to know from the member whether he thinks that proceedings should be dropped in cases where all parties agree that the prescribed time limit may be exceeded.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*); I am glad of the suggestion contained in that question. That suggestion will be borne in mind when the rules are made.

I trust that the House will accept my amendment as amended by the latter part of Mr. Asan's amendment.

PRESIDENT: The amendment moved by the Law Member is as follows:—

> In Clause 20 number the existing Clause as sub-clause (1) and add the following as sub-clause (2), namely:—
>
> "(2) Notwithstanding anything in sub-section (1), the application shall be deemed to have been dismissed if within the prescribed period the application has not been disposed of by the Board."

I propose to put the amendment to Clause 20 one by one to vote. First is Mr. Asan's amendment.

It reads as follows:—

> In line 4 between the words "dismissed" and "if" insert the words "for purposes of Clause 28" and add at the close as a separate paragraph:
>
> "Provided that this sub-section shall not apply for a period of three months after the prescribed date where the Conciliation Officer, for reasons to be recorded in writing, orders that an extension of the prescribed period is necessary in the general interests of the parties before him."

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I do not press the first part in view of the fact that the second part of it has been accepted by the Law Member.

PRESIDENT: Has Mr. Asan the leave of the House to withdraw the first part of the amendment?

The first part of the amendment was, by leave of the House, withdrawn.

The next is Mr. Puthupalli Krishna Pillai's amendment. It reads thus:—

> "In line 4, delete the words "prescribed period" and substitute "period of twelve months from the date of the presentation of the application under Section 4".

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): In view of what the Law Member has stated I do not press it.

The amendment was, by leave of the House, withdrawn.

PRESIDENT: Next I will put the amendment of the Law Member with the proviso, which was the second part of Mr. Asan's amendment. It reads as follows:

"Notwithstanding anything in sub-section (1), the application shall be deemed to have been dismissed if within the prescribed period the application has not been disposed of by the Board:

Provided that this sub-section shall not apply for a period of three months after the prescribed date where the Conciliation Officer, for reasons to be recorded in writing, orders that an extension of the prescribed period is necessary in the general interests of the parties before him."

The amendment, with Mr. Asan's amendment, was put to vote and carried.

Clause 28.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move: that for clause 28 the following shall be substituted namely:

"For the prescribed period from the date of the presentation of an application under Section 4, no Court shall, except for special reasons to be recorded in writing, entertain, or allow to be prosecuted, any suit, application for the execution of a decree or other proceedings, for the recovery of any debt covered by the application."

This amendment is more or less connected with the amendment to Clause 20 that has been accepted just now by the House. A question may legitimately be asked why this amendment is considered necessary. It may perhaps be argued that if an application is to be deemed to be dismissed if not disposed of within a particular period, there is no purpose in the present amendment. That is true to some extent But a view may be taken that even though proceedings before the Board may continue or be allowed to continue for any length of time it may not be necessary to stay the proceedings of the Civil Court during all that time. The Board may go on with conciliation proceedings and come to a settlement if possible and at the same time the Civil Court proceedings also may go on. Such a view may be taken. Therefore I think it is better that Government is given a discretion in this matter. They will lay down a rule within which an application should be disposed of. They might also lay down another rule to limit the period during which alone the Civil Court proceedings may stand stayed for the reason of the concillation proceedings.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): In view of the amendment accepted by the House is it necessary to enact a further amendment of the kind?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Perhaps not. A view may possibly be taken that an application before the Board may be kept alive for a longer period than that during which the Civil Court proceedings may be stayed. Therefore

[Mr. Kayalam Paramesvaran Pillai.]

Government may be given power to make rules in the matter, so that one period may be fixed for the stay of the Court proceedings and another for the disposal of the conciliation application by the Board.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is it the view of the Law Member that simultaneous proceedings can go on?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is it the idea of the Law Member to prescribe another period under Section 28?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

RAO SAHIB MAHA KAVI S. PARAMESVARA AIYAR (*Nominated*): Has the Law Member taken into consideration the hardship that the parties will have to undergo such as expenses, etc. before two tribunals?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. Normally the proper course will be to allow proceedings only in one place at a time. As I said, it may perhaps be necessary to make a rule that, though one period is prescribed for the proceedings before the Board, another period will be allowed for the stay of the Court proceedings. In that view, may not a power to fix different periods be safely be given to Government? I leave it to the House. I am not very particular.

MR. K. C. ABRAHAM (*Kottayam II*): Am I right in understanding that when in respect of a debt covered by the application of one creditor the affairs of the debtor are before the Board for conciliation proceedings against that debtor, a suit by other creditors may go on indefinitely in a court?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, not indefinitely.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second the amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I oppose the amendment.

PRESIDENT: Is there any amendment to the proposed amendment of the Law Member.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): No, Sir.

Under Section 20 a period is prescribed for the pendency of the application before the Board. That is to say, after the prescribed period the application will be deemed to have been dismissed. By the present proviso the Law Member wants to prescribe another period for the suspension of proceedings before the Civil Court. Such a period prescribed may be either longer or shorter.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): How can that be?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): The point is this. I am suggesting that, if it is a longer period, there is no meaning in it. If it is a shorter period then during the interval between the termination of the two periods, proceedings will be conducted before the Conciliation Officer as well as the Civil Court simultaneously. When my

previous amendment was moved the main objection voiced here was that it will not be proper to have the proceedings with regard to the same subject matter conducted by two tribunals. My argument that there is not much difficulty in permitting the same did not appeal very much to the House, because I did not hear many persons supporting me. Now the Law Member wants the same thing to be brought into existence by means of another amendment. Anyhow, the wisdom of prescribing another period and complicating matters still further is not clear to me. I would say that there is absolutely no necessity for this amendment and that Clause 28 as it stands now sufficiently safeguards the interests of the parties.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, I would like to speak one word by way of opposition to the amendment of the Law Member. In the third reading stage, amendments are moved only when absolutely necessary. There is no use in moving amendments in anticipation of embarassments or by way of abundant caution. It is very clearly stated in the Clause that the proceedings will be stayed only for the settlement of the application that is pending before the Board. It is only till settlement that those proceedings are to be stayed. That point is made clear in the Clause itself. How long can an application be pending before Boards. I suggested the period as 12 months and the Law Member proposed 6 months. So then, we have now fixed a period and that is the only period within which an application can be kept pending. It is only up to that period stay of the proceedings could be made. What is the fun of raising a stay when proceedings are going on and why should Civil Court proceedings be stayed after the application stands dismissed by efflux of time? The Clause that has just been passed serves the purpose in issue. No superfluous provision is necessary. We want to have the proceedings stayed only if the petition is pending. If the petition stands dismissed, the stay must automatically cease. Until it ceases no Government order shall interfere with the necessary right of stay. I therefore oppose the amendment.

The amendment was put to vote and lost.

The House adjourned at 1-30 P. M. to meet again the next day at 11 A. M.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Mulam Assembly.

PROCEEDINGS
of
THE TRAVANCORE SRI MULAM ASSEMBLY.

(OFFICIAL REPORT.)

FIRST ASSEMBLY.

NINTH SESSION.

Wednesday 18th November 1936/3rd Vrischikam 1112.

The Assembly met again in the Victoria Jubilee Town Hall at Eleven of the Clock, with the President in the Chair.

NEW MEMBER SWORN IN.

Mr. C. O. Madhavan took the oath and then signed the Rolls.

QUESTIONS AND ANSWERS.

Incomplete roads in the Nedumangad taluk.

26 * **MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) whether they are aware that about 3 miles of the Chittar road from Bharatannur to Palode, about $1\frac{1}{2}$ miles of the Karipoor road, about $1\frac{1}{2}$ miles of the Vettampalli-Ariyad road, otherwise known as the Silk Farm road, and about $1\frac{1}{2}$ miles of the Valiyavenkadu road in Vidura, remain incomplete;

(*b*) how long it is since the above works are left incomplete; and

(*c*) the approximate cost to complete the above incomplete portions of the road?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) The Vettampalli road (Silk Farm road) is complete in itself and the other roads are estimated and completed in convenient sections.

(*b*) This does not arise.

(*c*) *Chittar road.* The section that remains to be completed would cost Rs. 11,350.

Karipur trace. The remaining section has not been estimated for.

Valiyavenkadu Estate road. The remaining section would cost about Rs. 7,800.

MR. S. J. NAIR (*Nedumangad*): With reference to answer to part (*a*) may I know from the Government whether the Vettampalli-Ariyad road connects two other roads?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : The road referred to is the road from Tannimudu on Nedumangad-Vembayam road to the Government Silk Farm at Vettampalli.

MR. S. J. NAIR (*Nedumangad*) : May I know whether it is not possible to connect that road with the Anadu-Venjaramoodu road ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : Yes, it is possible provided we have the funds.

MR. S. J. NAIR (*Nedumangad*) : With reference to answer to part (*c*) may I know from the Government how many years ago it is since the completed section of the Chittar road was completed ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : In 1108.

MR. S. J. NAIR (*Nedumangad*) : May I know from Government why the incomplete portions of those roads were not completed ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : For want of funds.

Incomplete roads in the Nedumangad taluk.

27 *MR. S. J. NAIR (*Nedumangad*) : Will the Government be pleased to state :

(*a*) how many roads there are in the Nedumangad taluk that remain incomplete ; and

(*b*) the names of the roads and the distance of each road constructed, and the distance that remains to be constructed for their completion, respectively ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : (*a*) The member is referred to the answer to part (*c*) of question No. 26.

Name of road.	*Section completed.*	*Section remaining to be completed.*
(*b*) 1. Vamanapuram-Chittar road.	7 miles	5½ miles.
2. Karipur trace .	1½ miles	2 miles.
3. Valiavankad Estate road.	2 miles 1918 ft.	2 miles 1640 ft.

MR. S. J. NAIR (*Nedumangad*) : With reference to answer to item 2 of part (*b*) may I know when a section of the road was completed ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : The first one and a half miles was improved during 1110.

MR. S. J. NAIR (*Nedumangad*) : May I know whether that one and a half miles of road improved during 1110 is now closed for traffic ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : Not that I am aware of.

MR. S. J. NAIR (*Nedumangad*) : May I know whether the Government will enquire into the fact why that one and a half miles is closed now ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : Yes.

Nedumangad-Vembayam road.

28. ***MR. S. J. NAIR** (*Nedumangad*) : Will the Government be pleased to state :

(*a*) whether the Government are aware that the condition of the Nedumangad-Vembayam road is dirty ;

(*b*) how long it is since the road remained in the present condition ;

(*c*) the allotment for its annual maintenance ;

(*d*) whether the allotment is too low ;

(*e*) if the answer to part (*d*) is in the affirmative, why it is not raised and the road maintained properly ;

(*f*) whether there is any proposal to metal the road ;

(*g*) whether any estimate for the purpose has been submitted and sanctioned ; and

(*h*) when the road will be improved ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : (*a*) No.

(*b*) This does not arise in view of the answer to part (*a*).

(*c*) Rs. 600 per annum.

(*d*) No.

(*e*) This does not arise.

(*f*) Yes, the third and fourth miles.

(*g*) Yes.

(*h*) When funds are available.

MR. S. J. NAIR (*Nedumangad*) : With reference to answer to part (*a*) may I know from the Government whether the Chief Engineer has inspected the road recently ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : No, Sir.

MR. S. J. NAIR (*Nedumangad*) : May I know who has supplied the answer to the Government that the road is not dirty and is not in a useless condition now ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads Buildings and Irrigation*) : The Division Officer.

MR. S. J. NAIR (*Nedumangad*) : May I know the date on which the Division Officer has inspected the road ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : The Division Officer has reported on 2-7-1936.

MR. S. J. NAIR (*Nedumangad*): May I know from the Government whether the Government are aware that the Chief Engineer or the Division Officer or the Sub-Division Officer has inspected the road after I had sent up the question?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): No, sir.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Government will be pleased to order the Chief Engineer or any other responsible officer of the Engineering Department to look into the present condition of the road and improve it?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The road has been inspected and from the report it is seen that the condition of the road is not as the member states.

MR. S. J. NAIR (*Nedumangad*): With reference to answer to part (*d*) may I know whether the allotment for the Vembayam road is not sufficient?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): It is a question of opinion. The allotment can be said to be insufficient only when we compare the importance of the road and the allotments for other roads.

MR. S. J. NAIR (*Nedumangad*): May I know from the Government whether they are aware that vehicles that pass through that road are compelled to pay two different P. W. D. tolls in two different places?

Mr. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I accept that statement from the hon'ble member.

Maintenance of roads in the Nedumangad taluk.

29. *MR. S. J. NAIR (*Nedumangad*): Will the Government be pleased to state the rate, per mile, of annual allotment for the maintenance of the following roads in the Nedumangad taluk, *viz.*:

(*i*) the Nedumangad-Vembayam road;
(*ii*) the Anad-Venjaramood road;
(*iii*) the Kazhanad-Vattapara road;
(*iv*) the Nedumangad-Kattakada road;
(*v*) the Kattichal-Poovachal road;
(*vi*) the Pacha-Vidura road; and
(*vii*) the Arianad-Vidura road?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*):

(i) Nedumangad-Vembayam road (Nedumangad-Vembayam road) miles 1, 2, and 5 at Rs. 100 per mile, miles 3 and 4 at Rs. 150 per mile.

(ii) Venjaramood road and Anad branch road (Anad-Venjaramood road) Rs. 150 per mile (8¾ miles).

(iii) Kazhanadu road (Kazhanadu-Vattapara road) at Rs. 50 per mile (4 1/4 miles).

(iv) Vellanad road (Nedumangad-Kattakada road) 1 to 3 miles at Rs. 250 per mile, 4 to 7 3/8 at Rs. 100 per mile.

(v) Kottoor road (Kattichal-Poovachal road (11½ miles to 14 miles at Rs. 200 per mile.

(vi) & (vii) Arianad-Palode road (Pacha-Vidura road and Arianad Vidura road) 1 to 14 miles at Rs. 100 per mile.

MR. S. J. NAIR (*Nedumangad*): May I know whether the roads that are mentioned have been maintained last year?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Yes.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Government have got any complaint from the hon'ble member for Nedumangad that these roads were not maintained last year?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Many complaints have been received from the hon'ble member.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Government have received such a complaint from me?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Yes.

MR. S. J. NAIR (*Nedumangad*): May I know from the Government whether the Chief Engineer or any other responsible officer has inspected these roads as a result of those complaints?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Yes, Sir.

MR. S. J. NAIR (*Nedumangad*): May I know the date on which the Chief Engineer has inspected the roads?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The Chief Engineer has not inspected those roads.

MR. S. J. NAIR (*Nedumangad*): May I know who has inspected the roads as a result of the complaint lodged by the member for Nedumangad?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The Division and the Sub-Division Officers have inspected the roads.

Improvement of a chira in the Nellanadu pakuthi.

30. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) whether sixteen cents of land in Re-survey No. 903/3 in the Nellanadu *pakuthi*, Nedumangad taluk, is a *chira poramboke*;

(*b*) whether the above *chira* was used for paddy cultivation before;

(*c*) whether any persons have encroached upon the *chira* and begun to cultivate it;

(*d*) whether anybody has applied for the registry of the *chira*;

(*e*) whether the Government are aware that the *chira*, if improved, would be of use for cultivating about 1,000 *paras* of paddy fields; and

(*f*) whether the Minor Irrigation Department has taken up the work of the improvement of the above *chira*?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) Yes.

(*b*) This can be replied only after an investigation.

(*c*) and (*d*) Yes the matter has been brought to the notice of the P. W. D. by the Revenue authorities.

(*e*) No, the exact ayacut can be ascertained only after an investigation.

(*f*) No.

MR. S. J. NAIR (*Nedumangad*): With reference to answer to part (*b*) may I know whether there is any tank or *kulam* adjacent to this *chira*?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I have no information.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Government will be pleased to enquire whether there is any tank adjacent to the *chira* which is useful for cultivation of paddy if it is improved.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): That is a question of future action.

The Anchal Test.

81. *MR. R. SIVARAMAN NAIR (*Tiruvalla II*): Will the Government be pleased to state:

(*a*) when the Anchal Department Test was introduced by the Government;

(*b*) when it was stopped;

(*c*) why it was introduced and why it was stopped;

(*d*) the total number of people who have passed that test;

(*e*) the number of such people who are now permanently employed in the department;

(*f*) whether there are any permanent hands in the department now (on 25-8-36) who have not passed the test but appointed since the test was introduced;

(*g*) if the answer to part (*f*) is in the affirmative, the dates on which they were appointed and the dates on which they were confirmed;

(*h*) whether any special sanction of the Government was obtained to appoint and confirm them;

(*i*) the number of acting hands and volunteers in the department now (on 25-8-36);

(*j*) whether there are any acting hands with Anchal Test in the department now (on 25-8-36); and

(*k*) if the answer to part (*j*) is in the affirmative, the dates on which each was first entertained in the department and the duration of service of each till 1st Chingam 1112?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*). (*a*) The Anchal Departmental Test was introduced by Government in 1097.

(*b*) 1104.

(*c*) The examination was introduced so that the candidates seeking employment in the Anchal Department may have a practical knowledge of the Travancore Anchal Regulation, Rules and Orders at the

time they are recruited. The same was not conducted after 1103 since a large number of candidates with the Anchal Test were then without employment.

(*d*) 197.

(*e*) The total number of such people who are permanently employed in the department is 115.

(*f*) Yes.

(*g*) *Vide* *statement A appended.

(*h*) Yes, for items from 1 to 15.

(*i*) The total number of volunteers in the department is 295 and they are distributed among different Divisions and acting appointments are given when vacancies arise.

(*j*) Yes.

(*k*) *Vide* *statement B appended.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): With reference to answer to part (*h*) may I know why the special sanction of the Government was necessary ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Of those, six were ladies and eight were graduates.

PRESIDENT: Will the hon'ble member raise his voice a little louder ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Of those who were appointed, six were ladies and eight were graduates.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): That is not my question. My question is why special sanction was necessary ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Because they had not passed the Anchal Test.

MR. SIVARAMAN NAIR (*Tiruvalla II*): May I know whether, in the order instituting the examination there was an order that only people who have passed the Anchal Test will be appointed in the department ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): It was not in the order instituting the examination; but the rules regarding appointment require that candidates before confirmation must have passed the Anchal Test Examination. But subsequent to 1103, there was no Anchal Test Examination; and these people were confirmed between 1102 and 1109 even though they had not passed the Anchal Test.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): May I know why these people who have not passed the test were confirmed when there were acting hands who have passed the test and who have got more service ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): There were in the department at that time about 19 people who had passed the Anchal Test Examination. Fifteen of them have been confirmed subsequently and there are four who cannot be confirmed because of the G. O. regarding Public Service Recruitment. They have not got a total service of three years.

**Vide* Appendix I—pages 117 & 118.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*) : May I know whether the present Anchal Superintendent has recommended another list of persons to be confirmed irrespective of the qualification of the Anchal Test Examination ?

PRESIDENT Is it a public document that the honourable member is referring to ?

MR. R. SIVARAMAN NAIR (*Tiruvalla II*) : No, Sir. I was ascertaining whether that is a fact.

PRESIDENT : Is it the honourable member's question whether it is a fact that one officer of the department has sent a confidential list of persons to another officer of the Government for appointment ? Is that the question ?

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : May I know why ladies without qualifications were appointed when there were qualified men for the same post ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : No lady without qualifications was appointed.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : It has been stated that ladies who have not passed the Anchal Test Examination were confirmed earlier than men who have passed the Anchal Test Examination. I wish to know whether there is any rule which justifies such a preference in the Anchal Department alone ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : They could not be compelled to pass the test because there was no examination between 1103 and 1109.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : What I want to know is whether there is any rule or order which gives preference to ladies who have not passed a particular test over men who have passed that test ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : Everybody is aware that preference is being given to ladies in several departments recently.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : What I wish to know is whether it is left to the sweet will and pleasure of the head of the department or whether there is any rule issued to the effect ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : They have been appointed with the sanction of Government.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : It has been stated that there is difficulty to confirm four volunteers because of the Public Service G. O. I wish to know why persons without qualifications were confirmed before the Public Service G. O. while men who have passed the Anchal Test were available ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : Obviously there were no vacancies because these people were confirmed earlier.

MR. A. S. DAMODARAN ASAN (*Mavelikara*)) : May I know why they were not confirmed before the Public Service G. O. was issued ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : Because there were no permanent vacancies, as the vacancies were filled by these ladies and graduates.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know why the rule laid down with reference to part (c) was not adhered to? In part (c) of the answer it is stated:—

> "The examination was introduced so that the candidates seeking employment in the Anchal Department may have a practical knowledge of the Travancore Anchal Regulation, Rules and Orders at the time they are recruited. The same was not conducted after 1103 since a large number of candidates with the Anchal Test were then without employment."

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): It was in order to afford employment for ladies.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether it has been subsequently found out that graduates and ladies would do better than those who have passed the departmental test?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The inference does not follow. But I may say for the information of the member that the Anchal Test Examination will be held again and those who have not passed the examination will be given a chance to do so.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether.........

PRESIDENT: Will the honourable member allow another member to satisfy his quench?

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether, out of the 82 persons who have passed the examination and who have not been entertained, there are not graduates possessing at least equal qualifications as those who have been confirmed?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Only 115 candidates out of 197 deposited the security and entered service. The others might have sought their fortune elsewhere. That is why they were not employed.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether when vacancies arose Government sent orders to them and they have declined to accept it? It was said that they might have been absorbed in other departments. I would like to know whether the Government enquired into the question and satisfied themselves that they had already been absorbed in other departments or sought their fortunes elsewhere?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): If the member would refer to Appendix I he will find that the last name, G. Krishna Pillai, who is a graduate and who has passed the Anchal Test in 1102 entered service on 8-7 1101. He waited eight years before he came to the department. There is no bar to anyone who has passed the Anchal test volunteering after furnishing the deposit.

MR. K. R. ELENKATH (*Kalkulam I*): May I know from Government whether there are persons with equal qualifications and who have not passed the Anchal test in the waiting list?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): I claim notice, Sir.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Is there anything to prevent the holding of examination for ladies in the Anchal Department before they were appointed even if Government thought some test was necessary?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): No examination was held.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*); May I know the reason why?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): It was thought necessary that some consideration should be shown to the ladies.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know why concession could not be shown to ladies by giving them an opportunity of passing the Anchal Test?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): There were no examinations held subsequent to 1103

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the reason for the examination not being held was that there were too many people waiting who have passed the Anchal Test and may I know whether it is not the policy of the Government to appoint people who have passed the Anchal Test?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The policy of Government is to appoint people who have passed the test but no examination was held subsequent to 1103 and it was not necessary to institute a special test for ladies. Another ground is the fact that the Anchal Manual and the rules are now under revision and only after that work is completed further examinations could be held.

The Anchal Superintendent's Office.

32. *MR. R. SIVARAMAN NAIR (*Tiruvalla II*): Will the Government be pleased to state:

(*a*) why the Anchal Superintendent's Office had been shifted from its old site opposite the Public Offices;

(*b*) whether it is now (on 25-8-1936) located in a rented building or a Government building; and

(*c*) if the answer to part (*b*) is "rented building", the rent per mensem?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*):

(*a*) The Chief Engineer suggested that the further continuance of office in the old building would be risky.

(*b*) Rented building.

(*c*) Bh. Rs. (80) eighty.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): With regard to part (*a*) of the answer may I know why the Chief Engineer found the building to be not strong enough?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The building is about 60 years old and the walls have cracked and it was thought necessary that the office should be shifted.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is there any office now in the place of the Superintendent's former office?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Sir, there is a small office, the Humanitarian Society Office and the Anchal

Inspector's Office. The Anchal Superintendent's Office has to accommodate about 40 clerks and a large number of almirahs and tables. The Humanitarian Society Office has only a table and a chair.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is there any instruction given to the Humanitarian Society Office that they are not to bring in heavy furniture.

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): They are not likely to bring.

Scholarship for Ayurvedic studies.

33. ***MR. R. SIVARAMAN NAIR** (*Tiruvalla II*): Will the Government be pleased to state:

(*a*) whether they give any scholarship, allowance or other pecuniary aid to one Mr. Dwarakanath Aiyangar for higher studies in Ayurveda;

(*b*) If the answer to part (*a*) is in the affirmative, the amount;

(*c*) his native place and age; and

(*d*) his present qualifications?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*):

(*a*) Yes.

(*b*) Financial aid to the extent of rupees one thousand and five hundred.

(*c*) Salem. Thirty years.

(*d*) L. I. M. of the Government School of Indian Medicine, Madras. He is also a scholarship-holder for research work in Ayurveda from the German (Deutsche) Academy tenable at the Faculty of Medicine, Hamburg University.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know from Government what post is going to be offered to the candidate who is sent for higher studies for Ayurveda?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): It has not been decided.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know from Government whether Government have promised him any particular post?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir. On his return, Government may appoint him to any post which they consider suitable.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know from Government whether there are any other Travancoreans who possess the L. I. M. Diploma?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I believe, Sir, there is one as far as I am aware.

MR. K. PADMANABHAN (*Chirayinkil I*): Has he applied for any scholarship?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is there any understanding as regards the post or the pay to be offered to the candidate who has been selected by Government?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is he bound to accept any post on any amount of pay?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*). Yes, Sir.

Punishment of Excise Inspectors.

34. *MR. R. SIVARAMAN NAIR (*Tiruvalla II*): Will the Government be pleased to state:

(*a*) whether any Excise Inspector was punished departmentally or otherwise during 1111; and

(*b*) if the answer to part (*a*) is in the affirmative, the number of such Inspectors, the offences done by each, the nature of the enquiry and the punishment in each case?

MR. C. O. MADHAVAN (*Excise Commissioner*):

(*a*) Yes. Five Inspectors were punished by Government in 1111.

(*b*) *A statement furnishing the required information is laid on the table.

Volunteers in the Anchal Department.

35. *MR. E. K. KUNJURAMAN (*Nominated*): Will the Government be pleased to place on the table a statement showing by caste the number of volunteering clerks and Anchal men in the Anchal Department?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*):

† A statement is laid on the table.

The Chittar Road.

36. *MR. S. J. NAIR (*Nedumangad*): With reference to answers given to question No. 39 at the Eighth Session of the First Assembly answered on the 29th July 1936, that an estimate for the completion of the incomplete portion of the above road has been under preparation in the Chief Engineer's Office, will the Government be pleased to state:

(*a*) whether the estimate that was under preparation in the Chief Engineer's Office has been completed;

(*b*) whether it was submitted to Government;

(*c*) when it was submitted;

(*d*) if not yet submitted, why it is being delayed; and

(*e*) whether they are aware that the completion of the road is very urgent?

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* *Vide* Appendix II—page 119.

† *Vide* Appendix III—page 120.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) Yes.

(*b*) Yes.

(*c*) In July 1936.

(*d*) This does not arise.

(*e*) No.

Importation of Ganja.

37. ***MR. T. KRISHNA PILLAI** (*Neyyattinkara II*): Will the Government be pleased to state the quantity and value of ganja imported during the years 1109, 1110 and 1111?

MR. C. O. MADHAVAN (*Excise Commissioner*): A * statement containing the required information is laid on the table.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know from Government whether it is a fact that the ganja brought down from Madras is of a very inferior quality?

MR. C. O. MADHAVAN (*Excise Commissioner*): No, Sir. The quality is good.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know, Sir, who is the officer responsible for selecting and purchasing ganja?

MR. C. O. MADHAVAN (*Excise Commissioner*): One of the Inspectors is deputed for this.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know, Sir, whether these officers hold any special skill or knowledge in the line?

MR. C. O. MADHAVAN (*Excise Commissioner*): No special skill or knowledge is required to select good ganja from bad. These officers are well experienced in the line.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*). May I know, Sir, whether it is not an additional unnecessary expenditure to depute an officer to Madras for this purpose?

MR. C. O. MADHAVAN (*Excise Commissioner*): Good ganja should be selected and the stuff should be taken proper care of in transit.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know from Government the cost of the commodity brought down from Madras during 1111?

MR. C. O. MADHAVAN (*Excise Commissioner*): I claim notice, Sir.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know from Government whether there was not a fall in the consumption in 1111 compared with 1110?

MR. C. O. MADHAVAN (*Excise Commissioner*): There was a fall.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): If there was a fall may I know from Government what was the reason for that?

MR. C. O. MADHAVAN (*Excise Commissioner*): Mainly due to economic depression. It is also due to the fact that the number of people who use Ganja is dwindling.

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* *Vide* Appendix IV—page 120

Cultivation of Ganja.

38. *MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Will the Government be pleased to state whether there are places in Travancore suitable for the cultivation of ganja?

MR. C. O. MADHAVAN (*Excise Commissioner*): Yes.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know, Sir, whether there is any special reason for importing ganja from outside when that can be cultivated in the State itself?

MR. C. O. MADHAVAN (*Excise Commissioner*): We are getting down ganja from Madras in accordance with an agreement entered into with the Government of Madras.

MR. K. R. ELENKATH (*Kalkulam I*): May I know from the member whether there is any period fixed for this agreement?

MR. C. O. MADHAVAN (*Excise Commissioner*): Five years is the term for the agreement and the agreement was renewed during 1935.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether any rules have been framed for the cultivation of ganja in Travancore?

MR. C. O. MADHAVAN (*Excise Commissioner*): No, Sir.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know from Government whether any representation was made to Government in the matter of cultivating ganja in the State?

MR. C. O. MADHAVAN (*Excise Commissioner*): No representation has been received in recent times.

Budget Demands for 1112.

39. *MR. A. S. DAMODARAN ASAN (*Mavelikara*): Will the Government be pleased to state:

(*a*) whether there is any difference between the amounts voted by this House and by the Sri Chitra State Council in the Budget Demands for 1112; and

(*b*) if the answer to part (*a*) is in the affirmative, whether this difference has been placed before a Joint Committee and, if not, the reason for the same?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): (*a*) Yes.

(*b*) No, because the Dewan declared under Section 31 of the Travancore Legislative Reforms Regulation II of 1108, that he was satisfied that the reductions made by the Assembly under demands Nos. X—Forest (Rs. 7,756 under C. Protection of game—Salary etc. of Game-warden, his staff etc.) and XII Registration (Rs. 2,400 under A. Direction—Salaries) were essential to the discharge of the responsibilities of Government. Please see G. O. No. Fl. 8876, dated 25-8-1936, published in the Travancore Government Gazette dated 1-9-1936.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know why Section 29 of the Legislative Council Regulation has not been complied with before resorting to Section 31?

PRESIDENT : You are referring to Joint Committee procedure.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Yes, Sir.

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): Section 29 applies when the whole demand is disallowed. Section 30 applies when a portion of the grant is reduced.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): As it is admitted in answer to part (*a*), may I know whether there is any difference between the amounts voted by this House and by the Sri Chitra State Council in the Budget Demands for 1112.

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): Here only a portion of the grant is reduced and the Dewan has certified the expenditure.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know from Government whether on a previous occasion when there was a reduction in the demand the matter was referred to a Joint Committee?

RAO BAHADUR A. RENGASVAMY AIYAR (*Financial Secretary to Government*): Not so far as I know.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I refer to the instance when the allotment was reduced?

RAO BAHADUR A. RENGASVAMY AIYAR (*Financial Secretary to Government*): It is left to the discretion of the Dewan under Section 30 of the Legislative Regulation.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the discretion is exercised on any uniform principle?

RAO BAHADUR A. RENGASVAMY AIYAR (*Financial Secretary to Government*): Well, the Dewan considered each case on its merits.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Should not the rules be followed?

RAO BAHADUR A. RENGASVAMY AIYAR (*Financial Secretary to Government*): Section 30 leaves the matter to the decision of the Dewan. If a dispute arises as to the interpretation, the decision of the Dewan is final under Section 39.

Cart-roads in the Ambalapuzha taluk.

40. ***MR. K. M. KRISHNAN** (*Ambalapuzha II*): Will the Government be pleased to state:

(*a*) the total length of cartable roads in the Ambalapuzha taluk, excluding the roads in the Alleppey Municipality;

(*b*) the names of cross-roads that meet the main road in the Ambalapuzha taluk and the length of each such cross-road;

(*c*) whether any of these cross-roads are cartable ones;

(*b*) if so, the name of such roads;

(*e*) whether there are any poramboke lands available for the construction of cross-roads; and

(*f*) whether any estimate has been prepared in connection with any of these cross-roads, and if so, the cost estimated for each of such roads?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : (*a*) 35 miles 4 furlongs and 592 ft.

(*b*) A †list containing the information is placed on the table.

(*c*) Yes, all except a portion of item (1) in the list.

(*d*) This is given in the list.

(*e*) It is not clear which cross-roads are meant.

(*f*) No.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know from Government whether there are poramboke lands for the construction of the road from Paravur market to the beach ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I claim notice, Sir. I have not the information here now.

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†*Vide* Appendix V—page 121.

Appendix I.

A

Vide Answer to Question No. 31.

Statement showing the dates of appointment and confirmation of the subordinates in the Anchal Department who have not passed the Anchal Test.

		Date of appointment	Date of confirmation
1	M. Rama Varrier ...	27-6-106	1-6-108
2	G. Vasudevan Pillai ...	15-9-106	11-11-108
3	V. C. Chacko ...	16-12-106	1-6-108
4	K. V. Koshy ...	1-11-104	1-6-108
5	Raghavan Pillai ...	5-11-105	1-6-108
6	Sumathy Amma ...	10-4-105	7-5-106
7	Mary John ...	15-11-106	14-1-107
8	V. J. Joseph ...	25-3-107	15-10-109
9	K. Kaliyanikutty Amma ...	11-4-105	14-4-110
10	J. F. Chacko ...	23-2-107	15-12-108
11	L. Bhargavi Amma ...	10-8-106	28-11-106
12	K. Lekshikutty Amma ...	26-4-105	1-6-108
13	M. Vasudevan Namboori ...	19-11-95	10-7-102
14	Ravi Varma Thampan ...	1-8-102	23-3-105
15	P. M. Sarada ...	1-3-108	1-1-109
16	Adityavarma Raja	He was transferred from the Palace.	
17	P. Sankaranarayana Aiyar	He was transferred from the Devaswom Department	

Appendix I—(contd.)

B

Statement showing the names of acting hands with Anchal Test in the Anchal Department.

		Date of deposit of security (commencement of service as clerk volunteer)	Duration of volunteer service as clerk. Yrs	Mnths	Dys	
1	M. K. Raman Pillai	15-1-103	8	10	6	
2	P. I. John	25-3-103	8	9	6	
3	G. Vasudevan Nair	13-8-103	8	4	18	
4	S. Subramanian Potti	6-11-103	8	1	25	
5	T. K. Philipose	2-2-104	7	10	29	
6	M. O. Kunjappy	1-3-104	7	10	0	
7	S. Govinda Pillai	6-3-104	7	9	25	
8	R. Krishna Pillai	5-4-104	7	8	26	
9	M. Sivasankara Pillai	14-4-104	7	8	16	
10	J. Yohannan	13-4-104	7	8	18	
11	K. M. Oommen	19-7-104	7	5	12	
12	Madhavan Pillai	4-8-104	6	4	27	
13	K. M. Thomas	3-3-103 / 5-11-105	6	1	26	He was N. D. Master
14	G. Kuttan Pillai	23-3-106	5	9	8	
15	P. Narayana Pillai	20-6-106	5	6	11	
16	V. C. Kunchandy	21-12-106	5	0	10	
17	K. K. Neelakanta Pillai	8-5-107	4	7	23	
18	N. J. Mathew	12-4-109	2	8	19	He was N.D. Master and was made a clerk-volunteer since Government exempted him from passing the Anchal test and the general education qualification.
19	G Krishna Pillai	8-7-111	0	5	23	

Appendix II.

Answer to Question No. 34.

Statement showing the number of Inspectors punished during 1111, the offences committed by each, the nature of the enquiry and the punishments meted out to them.

Name of Inspectors	Offence	Nature of enquiry	Punishment
1 Mr. T. K. Krishnan Tampi	Insubordination and gross neglect of duty resulting in loss of Government revenue.	Enquiries were conducted by Assistant Excise Commissioner,	Compulsory retirement.
2 Mr. K. Sivasankara Pillai	Temporary misappropriation of Government money and falsification of records.	Enquiry was conducted by the Excise Commissioner.	Compulsory retirement with a reduction of Rs. 5 in his pension.
3 Mr. A. Ratnaswamy Pillai	Misappropriation of Government money.	Enquiry was conducted by Assistant Excise Commissioner.	Compulsory retirement.
4 Mr. M. G. Walsalam B. A.	Demand of illegal gratification from a salt licensee.	Enquiry was conducted by the Excise Commissioner.	Compulsory retirement with a reduction of Rs. 5 in his pension,
5 Mr. C. Ammuni Panicker B. A.	Neglect of duty as evidenced by the prevalence of malpractices.	Enquiry was conducted by the Excise Commissioner.	Reduction of pay by Rs. 5.

Appendix III.

Vide Answer to Question No. 35.

Statement showing by caste the number of clerk-volunteers and Anchal men-volunteers in the Anchal Department.

	Caste.		*Clerk-volunteer.* No.	*Anchal men-volunteer.* No.
1.	Brahmin	...	21	4
2.	Nair	...	56	159
3.	Other caste Hindu	...	16	22
4.	Kammala	...	2	...
5.	Nadar	...	7	2
6.	Ezhava	...	61	27
7.	Cheramar (Pulaya)	...	1	(Sambavar) 11
8.	Other Hindu	...	6	48
9.	Muslim	..	5	6
10.	Jacobite	...	38	33
11.	Marthomite	...	27	15
12.	Syrian Catholic	...	13	11
13.	Latin Catholic	...	8	3
14.	South Indian United Church		20	20
15.	Other Christians	...	...	...

Appendix IV.

Vide Answer to Question No. 38.

Statement showing the quantity and value of ganja imported into the State during the years 1109, 1110 and 1111.

Year.	*Quantity.*		*Value.*		
	Srs.	Tolas.	Rs.	Chs.	C.
1109	5000	0	21,311	10	12
1110	5000	0	21,311	10	12
1111	5000	0	*15,585	26	4

* From 1st April 1935 the centage charge on ganja per seer was reduced from Bh. Rs. 2-3-0 to Bh. Re. 1-1-0.

Appendix V.

***Vide* Answer to Question No. 40.**

List of cross roads that meet the main road in Ambalapuzha taluk.

		Mile.	*Furlong.*	*Feet.*
1.	Branch road from 46th mile Quilon-Alleppey road to Thagazhi ...	3	6	...
2.	Pazhaveedu-Kallercode road ...	1	4	...
3.	Road No. 3 *i. e.* the road branching from Palace road to 1st mile Alleppey-Ambalapuzha road *via* Pazhaveedu temple ...	1	1	160
4.	Pulayanvazhi road ...	...	4	...
5.	Road from Alleppey-Sherthalai road to Thumboli Church ...	...	5	330
6.	Kalavoor-Mannancherry road ...	1	3	...

LEGISLATIVE BUSINESS.

TRAVANCORE AGRICULTURISTS' RELIEF BILL.—(*contd.*)

Clause 34.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to move the following amendment:—

In Clause 34, for the first paragraph substitute the following, namely:—

> "*Notwithstanding anything in any law, contract or decree or order of Court, no interest shall accrue, or be permitted to be recovered as accruing, for a period of three years from the date of the commencement of this Regulation, in respect of any debt (not due in paddy or grain) in existence on such date, at any rate exceeding six per cent. per annum.*"

Sir, this clause is identical with the Clause that found a place in the Bill as recommended by the Select Committee for the consideration of this House. At the second reading of the Bill this House adopted the Clause that now finds a place in the Bill and that reads thus:—

> "Notwithstanding anything in any law, contract, decree or order of Court, no interest shall accrue, or be permitted to be recovered as accruing from and after the first of Chingam 1105 up to the termination of three years from the date of the commencement of this Regulation, in respect of any debt (not due in paddy or grain) in existence on the date of the commencement of this Regulation at any rate exceeding six per cent per annum.

The House must be aware of the difference between the two provisions. The one object of both the Clauses is that the interest should be reduced to 6 per cent. The Select Committee recommended the reduction of interest with effect from the commencement of the Regulation, to operate for a period of three years thereafter. But by the amendment passed at the second reading stage, it is to take effect from 1105 Chingam and to operate therefrom till the passing of the Regulation and for a period of three years thereafter. It is also perhaps the intention of those who favour this amendment that whatever amount might have been paid by a debtor to a creditor by way of interest till the passing of the Regulation must be refunded by the creditor to the debtor. (A voice, No) I hear a "No." I am prepared to accept that that was not the intention perhaps of those responsible for the amended provision. But the amended Clause is perfectly capable of the construction that I put on it; and, therefore, irrespective of the actual intention, the effect of the Clause may be that the creditor will have to make a refund of interest received. If the law lays down that no interest has accrued beyond a certain figure, for the period from 1105 Chingam, the money that was given to the debtor, though by way of interest, would be money given for nothing and may be claimed back. This construction has necessarily to be put if this Clause is not to lead to certain anomalies. If this construction is not put, the man who was regular in paying the interest could not get back his money; and the man who

defaulted to pay interest need not pay it. So it comes to this. The man who was punctual in payment turns out to be a fool, and he who tried to defeat or delay his obligations turns out to be a wise man. I do not think that such a construction would be put on the Clause. However the two Clauses are there and they are fundamentally different. And the Clause that finds a place in the Bill is retrospective. I shall not dilate on this point as I had fully explained it to the House when this Clause was under debate on the last occasion. I think that it must be quite clear that this provision is expropriatory. It may be that such expropriation is justifiable or not justifiable. That may be a matter of opinion. But there can be no doubt about the actual fact that it *is* expropriation and expropriation too without even a pretext of compensation. Whether it should be supported as just or condemned as unjust may depend upon other considerations and may be a matter on which there is difference of opinion. It seems to me Sir, that it is a provision for expropriation without any justification. I had stated at length on the last occasion that it is unjust and I shall not proceed to reiterate all that I said. It is particularly unjust because there is no assurance of even the reduced interests or at least a portion of it being paid forthwith. During the period under reference there has been a fall in commodity prices and therefore it may be urged as reasonable that a proportionate reduction should be made on the money that is payable as interest on a loan. This by itself cannot be said to be a *sufficient* reason. In any event, it does not take notice of the fact that the argument cannot apply unless the money was actually paid during the period and was available to the creditor for the purchase of commodity. When that money was not paid at that time for use it does not look reasonable that he should accept a reduced amount now, simply because there was a fall in commodity prices at that time. Even if it be urged that there is fall in prices now the reduction cannot be insisted on unless you actually pay the money now. Further; we cannot overlook the fact that many people need the money for other purposes than purchase of commodities and therefore the argument of fall in commodity prices cannot be of general application. At this point, the House will remember that many people might have received deposits of moneys from other people and may have already paid interest. The Banks for instance take deposits of money from various people and pay interest. Now they are to be asked to accept a lesser rate of interest from their debtors, while they paid a higher rate. I think therefore that if it is a question of justice between party and party, between creditor and creditor, the provision of a general rule as embodied in the clause Cannot be supported as just.

Examples of Provinces in British India are cited in this connection and perhaps that may be one of the reasons which might weigh with the honourable members in coming to a conclusion on the motion now before the House. The situation there is really different. There is no law in British India to limit the rate of the interest that may be charged as between creditor and debtor. And as a matter of fact interest ranging up to even 60 per cent. is charged by creditors. The only legal

[Mr. Kayalam Paramesvaran Pillai.]

provision that affords protection against this is what is called the Usurious Loans Act. Every rate of interest is legal there and will be upheld unless the Usurious Loans Act is applied. Whatever might be the rate of interest charged by the creditor the only way to get it reduced is to move the court in the appropriate proceedings and prove to the court that the rate is usurious in the actual circumstances. It is all a matter of pleading and proof. Now, in the case of the poor illiterate cultivators it may not be possible for them to take this procedure and get the interest reduced. The protection under the Usurious Loans Act was but a mere theory therefore. Therefore the Legislature has stepped in to say that they will bring about the reduction by some mechanical method; and thereby they did not really do anything more than what the usury law would have done if pursued in proper form. Really the law reducing interest was only an application of the law against usury and that is very well understood and recognised there. Recently a Leader writer in India writing on this subject wrote:

> "Few, if any, of the legislative measures hitherto undertaken in the various Provinces of India and the States make conscious provision in respect of the claim for relief arising from the fall in prices violently disturbing the relations between debtor and creditor. Most of the legislative measures hitherto undertaken are based either on the principle on which the law regarding usurious loans and money-lending is based or on the principle of bankruptcy legislation."

I am reading from the "Hindu" of November 12, 1936 and the leader was on the subject of the Travancore Bill. I entirely adopt thas argument. As a matter of fact, the remedy proposed by our Bill falls into two classes. One is based on the bankruptcy principles and the other on the principle of the law against usury. Conciliation of debts falls under the former class, as it seeks to adjust the liability to the assets. The other is the compulsory reduction of interest and is based on the principle that usurious interest will not be allowed. In the British Indian Provinces the reduced interest is as high as twelve per cent and more, and never is so low as six per cent. proposed here and that reduction was in fact a reduction from a 40 or 50 per cent. rate prevalent there.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether it went up to 40 or 50 per cent?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, it did.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the usual rate of interest ranges very high?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sometimes it did; and that is because there is no statutory provision there to limit the rate of interest except the Usurious Loans Act. What that Act would have given by appropriate proceedings was given by the Legislature when it fixed the rate of interest. I can quote a case where the High Court of Allahabad fixed that 24 per cent. rate was an usurious rate of interest. There was no statutory limitation to the interest; it was left to the judgment of a court.

MR. P. C. KURIYAN (*Kottayam I*) : May I know whether the Usurious Loans Act is expropriation.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No, it is not.

Now what are the conditions here?

Here, the law said, you may put the interest up to 12 per cent. The law guaranteed that such a rate was lawful and was not usurious. The Legislature said it. Now the Legislature comes in and wants to say that that rate should be reduced. The 12 per cent. rate was ordinary; and it was called ഒപ്പലിശ, or "standard interest." Now, is it right for you to say that you will not allow that rate to be recovered even though you allowed it to accrue? That is the real point in reducing the interest for a past period.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : By this Bill you are to a certain extent depriving the creditor of the interest that is due to him in future.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, to some extent. That too may be considered expropriatory, perhaps; but there is a difference. It is open to the creditor to demand the principal at once and recover it by all means available under law and keep back the money unless he is satisfied with the rate of interest.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Suppose he makes delay and the debtor fails to pay. In that case is he not liable to penalisation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : May be. But that is always incident to loan transactions. Therefore a reduction of interest for a future period may be justified; but a retrospective reduction would be unjustifiable. The agriculturists are no doubt in distress. I can understand that. But sitting here as Legislators we can act only on certain principles; and our heads must get the better of our hearts.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Was it not because he was unable to pay the interest that he was not doing so last year?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It may or may not be. Assume that it was so.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Is it not on the principle of inability that this provision is made here?

MR. KAYALAM PARAMESWARAN PILLAI (*Additional Head Sirkar Vakil*) No, it is not. That is my point. I will show presently that for that man who was not able to pay there is provision in the Bill already and that the Clause 34 as introduced at the second reading goes to benefit that man who is not prepared to show he was not able to pay.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Why then has the provision for future reduction made here? Is it not on the principle that the agriculturist is not able to pay the present heavy interest?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That may be; but it must be noted that it is open to the creditor to recover the principal itself forthwith on the ground that the rate of future interest has been reduced. We are only telling him by this enactment that if he wants the debtor to retain the money the creditor will get only a lower rate of interest. If the creditor is not prepared to accept such lower rate of interest in future he has got the opportunity and the right to recover the principal itself.

PRESIDENT: I think it will be conducive to our convenience if the honourable member is allowed to finish. It is a very important point that we are now discussing, and I do not want the discussion to be restricted. Frequent interrogation may interrupt the train of the Law Member's argument. It is open to the other members to put forth their points of view after the Law Member has finished.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I was trying, Sir, to point out that while our law expressly guaranteed a particular rate of interest, while the creditor and the debtor entered into the transaction relying on that statutory guarantee, it would be entirely unjust to the creditor, not to speak of its being opposed to public policy, now to step in and tell him that we withdraw the guarantee and reduce the rate of interest with effect from a past date.

I quite realise, Sir, that the agriculturist is in distress, and I am prepared to admit that he is in need of relief. But legislators, that we are, have a larger duty here than the protection of some individuals merely because their present condition deserves our sympathy. The responsibility of this House centres on a much larger principle than the safeguarding of the pecuniary interest of some individuals. In a legislation of this kind, it is the head that should control us more than the heart. I would therefore appeal to the House not to be carried away by sentiment or by feelings and to consider carefully whether there is any justification for our withdrawing now the guarantee to which statutory recognition had been given.

Sir, I shall not dilate further on this point as I have already dealt with it at length at the second reading. I shall draw attention to just one or two points which I did not perhaps emphasise on the previous occasion. Firstly, let me say that it would be absolutely unwise on our part to embark on a piece of legislation which will shatter credit in the State. The House will remember that in the Madras Finance Member's speech that I quoted yesterday, credit has been referred to as a "delicate fabric". I suppose that it is admitted by all that credit is absolutely essential for a society such as ours is. In olden days there was no social dependence as there is at present. Each man was living on his own exertions and depended on himself only for every thing, and if anybody had money in excess or to spare he would rather keep it buried in the ground underneath his cot than let another man make use of it on credit. Gradually, in more recent years, people began to lend, that is to say to let others use the money, but it was done on pledge

of gold. But now lakhs and lakhs of rupees are lent freely. For instance they flow into the numerous banks in the country in return for a mere scrap of paper, and large amounts are being lent between party and party on mere signed paper, say a promissory note. It is undoubtedly recognised that such credit facilities are absolutely necessary for the economic growth of our society. In Travancore, Sir, especially now when the Government are trying to industrialise the country, it is very necessary that credit facilities are available to the people. We must see that the written and signed word of everyone in the country would be honoured and that law will compel it to be honoured. Unless that is assured, it will be a bad day for us; the delicate fabric of credit will be torn asunder. It would be very unwise on our part to allow it.

Yesterday, I was quoting the experiences of the Madras Special Loans Officer. He has said that there, in many cases, the debtors themselves were against the scaling down of the debts, in spite of the fact that such scaling down was absolutely voluntary, for fear that their creditors who have all along been helping them with loans may not do so hereafter. That shows, Sir, how much credit facilities are being valued by the debtors themselves. I would therefore appeal to the House not to be a party to anything that would tend to shatter credit, not merely the credit of the State as such but also the credit between party and party, between private individuals within the State.

When I speak of the shattering of credit, it is not mere theory, Sir. It is a hard fact. The House will remember that when the Government introduced this Bill, and later even when the Select Committee made very drastic changes in it supposed to affect the creditors, the creditors in the country did not raise their voice of protest, since evidently they also knew that the condition of the agriculturists deserved some consideration. But the moment that this House passed the provision reducing the interest that had *already* accrued, they got alarmed and submitted memorials to the Palace and petitions to the Government; they waited in deputation upon the Dewan.

MR. S. J. NAIR (*Nedumangad*): May I know whether it is as a result of such deputations by the creditors that the Law Member is now proposing his present amendment?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. Not at all. Government feel, as they all along felt, that the right thing to do is to reduce interest only for a future period. If the honourable member would kindly refer to my speech at the second reading which was *before* the creditors memorialised the Government, he would find that my condemnation of the proposal to reduce past interest was much stronger than the words I used to-day.

The alarm that the retrospective provision caused in the minds of the creditors in the country will show how much reliance they had placed on the statutory assurance that they had in regard to the rate of interest. Sir, our provision regarding interest has been in force for more

[Mr. Kayalam Paramesvaran Pillai.]

than a century. It would be entirely suicidal on our part to shatter the credit in the country for the sake of helping some individuals. It will be like cutting one's nose to spite the face as it were, like losing a bigger thing in attempting to catch a smaller one.

There is no doubt, Sir, as I have already stated, that the agriculturist needs relief, and relief has been provided in the Bill by the conciliation provisions. And, as I said yesterday, Government are prepared to go to establish a large number of Boards even to start with. In regard to the relief to the individual debtors, it must be done having regard to the circumstances of each case. If a man is fully able to pay, why should he be given the same relief that we extend to another who is not really able to pay?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I ask whether the idea of the Law Member is that the relief to be given is also to be only experimental?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The question is not clear to me.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): The Law Member said yesterday that the Boards are to be tried as an experimental measure and now he says that the Boards are the only kind of relief that he would give to the agriculturists. Therefore I am asking whether he would give to the agriculturists only an experimental kind of relief.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, Sir. The *relief* is not experimental, it is the *method* adopted that is experimental. I suppose we are not playing upon words now. If, in the case of a debt of say, Rs. 1,000, the Conciliation Board may reduce it to Rs. 500, certainly that will be *substantial* relief to the debtor and not experimental. It will be felt by him. There is no experiment involved in it. It is an actual saving that he gets. What I suggest is that if conciliation is not found to work statisfactorily, other methods may be tried.

Sir, I would at this stage draw the attention of the House to Clause 19 of the Bill which does provide for the reduction of interest even from 1105 Chingam in deserving cases. If the parties are agreeable to go to conciliation, and if the conciliation fails it is open to the court, when the matter goes there, to consider the circumstances of the case and, if necessary, to reduce the rate of interest even retrospectively from the very 1105 Chingam, that is in the Clause adopted at the second reading. That is a very safe provision; because it will be available in appropriate cases and not in others. It will not help the rich man who wants to conceal his assets, one who is not prepared to place all his cards before the Conciliation Board and to prove that he deserves the relief. Clause 19 is based on recognised principles of bankruptcy legislation and applies to deserving cases. Why reduce the rate of interest when the man is able to pay? That is the question, I ask. The Clause that I now seek to delete may be availed of by everybody alike, and that is why creditors are alarmed. So then the position is this; for the poor man there is provision in Clause 19; for the rich man we ought not to make a provision which is expropriatory.

I want the House to realise also, Sir, that this provision for retrospective reduction of interest is absolutely useless to the bulk or the debtors, those who really need relief, and that this provision will benefit *only* the rich man. Sir, for the ordinary poor debtor, a mere reduction of the interest is not going to be any relief at all. Of course, one side of the House may score a spectacular victory if the provision in the Bill is allowed to stand as it is. But, certainly, that is not going to afford any real relief to the bulk of the agriculturist debtors of the country. There is a Malayalam saying :—

“വെള്ളം മൂക്കററമായാൽ മൂന്നാളായാലെന്തു, നാലാളായാലെന്തു”?

I do not know Sir, if you understood the meaning of this Malayalam saying. It means that if the level of the water in a river goes beyond the level of the nostrils of a man who is caught in it, it does not matter whether it goes up by three men's height or four men's height and that therefore it is no relief to him if water to a depth equal to, say a man's height, is removed from above him. Similarly, for the ordinary agriculturist what does it matter if interest alone is reduced ? It would be like removing a few inches of water from above him while there is many feet of water above him. He would not get any relief ; he would still be under the pressure of debt. To give him relief, not merely interest but also a portion of the principal must be reduced. Then only can he stand up. And that would be done by the Conciliation Officer who examines the debtor and the creditor and their affairs and then proposes a proper adjustment of their affairs.

MR. P. C. KURIYAN (*Kottayam I*): Will not the creditor also be affected by the Conciliation Board ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) ; Yes. He will be affected exactly as in bankruptcy proceedings.

MR. K. C. ABRAHAM (*Kottayam II*) : Does it not mean that we will have to look into the condition of the party—whether he is able to pay his debt or not ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additienal Head Sirkar Vakil*) : Yes, that will have to be looked into.

What I want the House to consider is that the Bill provides for the reduction of interest in deserving cases, and I do not object to it. All that I object to is that there should not be a uniform reduction of interest as in Clause 34 irrespective of the ability of the debtor to pay or not.

MR. K. C. ABRAHAM (*Kottayam II*) : Am I to understand from the speech of the Law Member that there are two classes of debtors, the first who are able to pay, and the second, those who are unable to pay?

MR. KAYALAM PARAMESVARAN PILLAI (*Additioral Head Sirkar Vakil*) : Yes, there are.

MR. K. C. ABRAHAM (*Kottayam II*) : Am I to understand then that the Law Member wants this Clause to apply only to those who are unable to pay because of improvidence ?

MR KAYALAM PHRAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes. We need not provide relief for the rich debtor who is able to pay. It is believed that the agitation for this reduction of interest comes from the class of debtor who is able to pay. I ask the House not to be influenced by the crocodile tears of this class of people, who are well able to pay. The House should provide relief for those debtors who are really unable to pay their debts. This provision in Clause 34, as it is, is worse than useless. Therefore let us substitute the Clause that I propose.

PRESIDENT : I have received notice of certain amendments. I think it will conduce to the convenience of the House if the amendments are moved now and discussion takes place generally on them and then the final voting can take place according to convenience.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : Sir, I move the following amendment :

In amendment No. 10 to Clause 34 for the words ' *Notwithstanding anything in any law, contract decree or order of court, no interest shall accrue or be permitted to be recovered as accruing* ' *substitute the words* ' *No court shall by its decree or order allow interest to be recovered* '.

My object in moving this amendment is to see that the credit of the State is not impaired as much as it is sought to be done by the present amendment. According to the language of the present amendment, interest cannot accrue at any rate exceeding 6 per cent in spite of contract to the contrary. Even if a party agrees to pay interest at the rate of 9 per cent, and actually pays the interest, he can, after this law is passed sue the creditor for the refund of interest because according to the law that we are enacting interest cannot even accrue at a rate exceeding 6 per cent per annum. That is an unfortunate position. There are many persons who are able and willing to borrow money at a higher rate of interest than 6 per cent. Most of the agriculturists in the State are persons who have subsidiary occupations such as trade. The definition of ' agriculturist ' is so wide that it will embrace almost 85 per cent of the people of the State. It will include agriculturists with subsidiary occupations such as trade, business, and cottage industries. Many of these people borrow money pledging pepper or other agricultural products. During the agricultural season they carry on agricultural operations and at other times they take to trade or business. Such persons have to borrow money from banks pledging their goods. Hereafter the banks will not lend money to such people because they are agriculturists though they agree to pay higher rates of interest. I submit, Sir, that the language of Section 31 of the Civil Procedure Code, which prohibits courts of law from interest at more than 12 per cent, may be followed in this case also. The prohibition there is that the court cannot decree more than 12 per cent. It is left to the parties themselves to agree to pay more than 12 per cent. A similar procedure should be adopted here also. Why should we say that no interest shall accrue at more than 6 per cent notwithstanding anything in any law, contract, decree or order of court? If the party is agreeable to pay and does pay more than 6 per cent, why should we prohibit that?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : On this principle will the member advocate the recovery of even more than 12 per cent if it is agreed to?

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : If the parties agree to that, it should be done. Even if it is cent per cent it should be allowed. Nobody is prejudiced by that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Is the member then criticising the existing law which limits interest to 12 per cent?

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : The existing law does not limit interest to that extent. It only says that no court shall allow more than 12 per cent. The people may pay or receive more, if they so choose. That is the effect of the present law. That has stood the test of more than a century. I submit, Sir, that for the next three years the law should be so modified that the courts could not enforce more than 6 per cent interest. But if the parties are willing to pay more than 6 per cent, then the creditors should not be asked to refund the interest paid.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is there any provision for refunding the amount by the creditor after the transaction is closed?

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : I submit that it is the effect of the language used in the Clause. The Clause says that no interest shall accrue in spite of any contract, and if the creditor receives such higher interest, it will certainly be considered as a mistake. I submit that it is the effect of the law In this connection I would refer the House to para 26 of the memorandum of the High Court.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) ; Sir, I rise to a point of order. The memorandum has not been supplied to any of us.

PRESIDENT : I am told by the Secretary that it has been placed on the *table*. When this question was raised in another form yesterday, I was informed that it would be immediately placed on the table of the House. I understand that it has been so placed.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : The honourable judges of the High Court observe :

> "The provision that no contract will be enforced beyond 6 per cent interest will considerably affect the credit not only of agriculturists, but of business men and individuals in the whole State"

I submit, Sir, that there are agriculturists who are prepared to borrow at a rate exceeding 6 per cent. They should not be prevented from getting loans at such interest if they want the same. Again, the definition of the term 'agriculturist' is so wide as to embrace all persons even though they are not ordinarily agriculturists. If a person has a subsidiary occupation, that person also will come under this provision. So I submit that the language of the Clause should be so amended as to be in consonance with the old Regulation I of 1010 reenacted in Section 31 of the C. P. C. With these words I move the amendment.

Sir, the next two amendments are consequential to this and I may be permitted to move them now.

PRESIDENT : Yes.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : I move :

"*In the Explanation to Clause 34. (connected with amendment No. 10) for the words 'interest shall accrue and be permitted to be recovered as accruing' substitute the words "interest shall be allowed to be recovered."*

In Clause 35 (connected with amendment No. 10) for the words "Notwithsanding anything in any law, contract, decree or order of Court, no interest shall accrue or be permitted to be recovered as accruing' substitute the words 'No Court shall by its decree or order allow interest to be recovered'."

MR. T. S. JAYANTAN NAMBOOTIRI (*Jenmies, North*) : I second the amendments.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : The Law Member wants to have the Section 34 amended. But Mr. Sambasiva Aiyar wants to amend Section 35 by moving his amendments to Section 34. He simply says that it is connected with the other amendments.

PRESIDENT : At the present moment we are dealing with Clause 34 and for the present only amendments to Clause 34 will be moved and debated. Therefore I take it that Mr. Sambasiva Aiyar has moved the amendments to Clause 34 and to the Explanation thereof.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : The Standing Order concerned is this:

> No amendments other than those connected with the amendments moved on behalf of Government shall, without the special permission of the Dewan, be brought up for consideration at this stage.

My amendment therefore is connected with the amendment to Clause 34.

PRESIDENT : We are now discussing Clause 34. After Clause 34 has been disposed of, it is open to the honourable member to say what he desires to observe with regard to Clause 35. At the present moment all that is permissible is the consideration of amendment to Clause 34. I take it that those amendments have been moved and seconded.

MR. S. J. NAIR (*Nedumangad*) : Sir, I oppose the amendments moved both by the Law Member and Mr. Sambasiva Aiyar to Clause 34. I oppose these amendments with a feeling of despair and despondency. I emphatically and purposely submit that I oppose these amendments with a feeling of despair and despondency. Whatever be my advocacy for the cause of the poor agricultural debtors of the State, I know for certain that their interests will be frustrated by the Government at this rate. The poor agriculturists would be reduced to a position of landless and helpless people in the State and it is not far off when this may lead to an economic and social revolution at this rate. Sir, I find the Law Member submitted that the creditors were alarmed and the Government also say that the creditor class is alarmed. That being so, the Government are compelled to bring forth such amendments to safeguard the interests of the creditors and to negative the Bill that has already taken shape at its second reading here. From the Census of

1931 we find that the bankers, money-lenders and such Shylock class of people number about 2,825 persons out of a population of 50 lakhs and odd of people. The agricultural population comes to more than 11 lakhs of people. From the statement made by Government it seems that the Government are prepared to surrender or fall at the feet of the creditor classes of the State. A microscopic minority amongst the population of the State who number about 2,000 and mainly composed of pensioned officers belong to the category of money-lenders. They have no real stake in the State and they have not done any assistance to the poor agriculturists. The bankers in the State have been a set of cutthroats and they have not done any good to the poor agriculturists. I am really sorry that the Government at this stage has come to the rescue of these bankers and money-lenders.

PRESIDENT: Order, order. The honourable member must remember that his speech should not comprise words that are either defamatory or seditious.

MR. S. J. NAIR (*Nedumangad*): I never mentioned any names, Sir.

PRESIDENT: I heard the member saying that there will be an economic and social revolution in the country. Those words are seditious.

MR. S. J. NAIR (*Nedumangad*): Then I withdraw those words. I never meant sedition when I used those expressions. I will be the last person to use such seditious words. I am the most loyal of all loyal citizens. I am sorry that the President has understood that word like that.

PRESIDENT: Order, order. I definitely heard the honourable member say that the landless classes will rise in revolution.

MR. S. J. NAIR (*Nedumangad*): I said that it might lead at this rate to revolution.

PRESIDENT: Order, order. Unless the honourable member withdraws that expression I shall have to take steps.

MR. S. J NAIR (*Nedumangad*): I have withdrawn that expression. And, I withdrew it unconditionally, Sir.

PRESIDENT: I am glad, Mr. S. J. Nair will now proceed.

MR. S. J. NAIR (*Nedumangad*): Coming to the amendment, what I wish to submit is this. A Committee was appointed to go into the question of indebtedness of the agriculturists in the State. The Committee was composed of responsible members of the Legislature and after a detailed enquiry of the pros and cons they have submitted a report. The Committee have recorded on page 112 of the Report their considered opinion, on the question of intrest as follows:—

> "In the case of debt transactions entered into before 1105, whether a decree be passed thereon or not, the interest payable thereon for the period from 1105 up to the date of any enactment passed for the purpose should be at one-half of the rate of interest payable if the enactment had not been passed or at 4 per cent. whichever is larger, provided that payment of interest is made before such date as Government may fix from time to time. If the agreed rate is less than 4 per cent. such rate should prevail."

[Mr. S. J. Nair.]

Further the Committee recorded their opinion as follows :—

"The interest allowable on transactions entered into by agriculturists from and after 1105 up to the date of any enactment that may be passed for the purpose or some other specified date, should in no case exceed 6 per cent- (Sir, I emphaise the words, should in no case exceed 6 per cent) whether the debt be secured or unsecured, if payment is made within three years from the date of the enactment, provided however, that in the case of banks which have been receiving deposits in the regular course of business and have been issuing loans, it should be in the discretion of the court to allow interest up to 9 per cent. instead of 6 per cent."

The Bill is said have been drawn up after the recommendations of the Committee. When this Bill came up for the second reading this House passed amendments in accordance with the recommondations of the Committee. Now it surpasses my imagination why the Law Member has come forward with the present amendment to negative the usefulness of the Bill. If his amendment is carried, and I hope Government may succeed to carry through this amendment, the agriculturists will be doomed. So I request the Government, in all earnestness and sincerity, to withdraw even the Bill itself. Why should a Bill bearing the name of "the Travancore Agriculurists' Relief Bill" be brought forward if such amendments are to be carried out and the good results of the Bill are nullified? Why should this Bill find a place in the Statute Book of the State? I challenge the Law Member to point out to me one provision at least in this Bill which would show that the Government are safeguarding substantially the interests of the agriculturist debtors in the State. There is absolutely no provision in this Bill to help the agriculturists. If such amendments are carried, the agriculturists will be hard hit I appeal in all sincerity on behalf of the dumb and helpless millions of agriculturists in this country to withdraw this amendment: I also appeal to the non-official members of the House to throw out this amendment and come to the rescue of the poor agriculturists of the State.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Sir, I oppose both the amendments before the House. To meet the points urged by the Law Member we should go to the first principles which gave birth to such a measure. It is rather an extraordinary measure, an abnormal legislation which under normal circumstances the Government or any other responsible body would not have thought of. It is a very extraordinary measure to a certain extent, more or less interfering with the legal rights of certain parties. There is the Conciliation Board proposed to be created. Over and above this there are courts in the land. Under normal times there is no necessity for the creation of Boards. Then there is a suggestion for instalment payments and also the Land Mortgage Bank coming to the aid of the debtors. These are measures which can be characterised as rather extraordinary. Why should Government think of launching upon a measure so extraordinary in charactor at the

present time? It was because the Government felt convinced that the circumstances are rather extraordinary. The Committee which enquired into the details of these abnormal circumstances have given expression to that in their Report. The Government therefore felt convinced that the poor agriculturists in the State stood in need of some kind of relief. This is the basic point on which we have to consider the provisions of the Bill.

It is stated by the Law Member in very strong language that if this amendment is not carried we would not be helping those who are rather improvident and who wanted to evade the payment of interest. That pre-supposes the existence of a set of people who wanted really to evade payment, That is an argument which would go against those who did not want this amendment. Were there such people in the lands? Has that come to the notice of the Committee that enquired into the condition of the agriculturists? Was there a considerable section of people coming under that category? At page 10 of the Committee's report to which the Law Member also has subscribed, the statement made is this;—

> "There is a tendency in certain quarters to hold the agriculturists entirely responsible for the plight in which he finds himself at the present day. We do not think that it is just to ascribe the whole situation to the extravagance improvidence, speculative dealings and unproductive borrowings of the agriculturists. It may be admitted that most agriculturists in this country have a great partiality for investments in land and sometimes they purchase land not for its economic value but at fancy prices. We are, however, inclined to the view that the agriculturists no more deserve these charges than the other classes of producers in the country. We find that, in this view, we are supported by the Banking Enquiry Committee who have recorded their considered opinion that the agriculturists of Travancore are not extravagant, as a rule".

That is the condition of the agriculturists of Travancore as described by the most authoritative Committee that enquired into the matter. Therefore if there was any failure on the part of the poor Travancore agriculturists to meet those obligations during these seven years commencing from 1105, it is to be taken for absolute truth that it was not because they wanted to avoid payment of interest, but because they were quite unable to pay. In spite of his very high personal honour and integrity he found himself quite unable to meet the situation. Therefore a measure proposed by the Government ought to help the agriculturists. So the argument that there was any wilful evasion on the part of the agriculturists to meet their obligations falls to the ground. We are now by this measure helping these agriculturists to tide over the extraordinary situation created here due to circumstances over which we had no control. If the agriculturist is asked to go forward with this heavy burden of seven years on him he is certainly helpless. It is for the purpose of saving him from the plight to which he has been reduced on account of the abnormal fall of the price of agricultural produce that this measure is sought to be introduced. It was stated by Mr. Sambasiva Aiyar that the agriculturists have got other subsidiary sources of income.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Then why not ask these men to prove their inability before a Conciliation Board?

MR. E.V. KRISHNA PILLAI (*Pattanamtitta*): Because an investigation was made by a responsible body and it is found by the Government that no such proof is necessary and that the agriculturists as a rule are honest men who keep up their personal honour and who are desirous of meeting their liabilities. Therefore it would detract from the workable nature of the legislation if such a proof is thrust upon the agriculturists for getting relief. It is suggested that there are agriculturists, probably according to their fancy and imagination, of a considerable number who are having subsidiary occupations. I submit that if it is found either by the Board or by the court or by any other institution instituted for the carrying out of this legislation that the main source of income of a person is not from agriculture, certainly he should be necked out. No relief need be given to him. But if it is found that his main source of income is from agriculture then he is certainly entitled to the relief measures suggested in this provision. Therefore if we mean business and if we want to help the agriculturists to tide over this extraordinary situtation the most important provision that is to be made here is contained in this Clause. It is stated that in the case of bankers they had been paying interest on the deposits received by them. They were paying it because they could afford to do it. They were not depending upon the prices of agricultural products. They were depending upon some other source of income. It cannot be said that the bankers are honest people simply because they were paying interest, and agriculturists dishonest because they were not paying the interest. These conclusions should not prejudice our judgment.

Then there is a threat held out both by the Law Member and Mr. Sambasiva Aiyar that if this measure is carried, the credit of the whole society would be shaken and that it would affect very prejudicially the interests of the agriculturists because they would not be able to receive loans from banks or other credit agencies. What would the credit agencies do with the money hoarded by them? If they find that they cannot make profit out of the money in their possession, certainly they would come down. They would say that they are satisfied with even one per cent. interest. That would certainly materialise and so this consideration also should not affect us when we are dealing with this point. Therefore it would certainly be in consonance with the spirit of the legislation if we maintain the original provision contained in the Bill as revised by the Select Committee and throw out this amendment.

MR. M. K. JANARDHANA KAMMATH (*Commerce and Industries, North*): Sir, I oppose the amendment. From the standpoint of creditors it is not fair to give retrospective effect to this Regulation. The amendment will work a great hardship on creditors. Transactions entered into till the date on which this Regulation comes into force should not be affected. Creditors who have advanced money could never have

expected that such a Regulation as this would come into operation affecting their right to realise the rate of interest agreed upon. Further, it should not be ignored that creditors themselves may owe larger sums to persons living outside Travancore and they would be liable to pay interest to them. Will it not be a great hardship to such creditors if they are debarred from realising interest from their debtors in Travancore from 1105 onwards? My only submission is that in giving relief to the agricultural debtors we should be very careful to see that no unnecessary trouble or hardship is caused to the creditors With these words I support this amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I support the amendment moved by the Law Member and oppose the amendment of Mr. Sambasiva Aiyar. Sir, when this House accepted the principles of this Bill it was admitted on all hands that some relief is necessary to the agriculturist in difficulties. The two ways in which he could be given relief are, one by lightening his burden, and the other by giving some time to pay up his debts. With regard to the question of giving him time for discharging his debts we have the provisions in Part II as well as III. With regard to lightening the burden of the agriculturists in difficulties there is provision in Part II of the Bill. In Part III which concerns with the reduction of interest the original provision in the Bill and that contained in the Select Committee Report is with regard to the future interest on existing liabilities and future debts. This House has, by an amendment, altered the date for the reduction of interest from the commencement of the Regulation to first Chingam 1105. The ground that has been advanced in favour of this change at that time was that the prices of the agricultural produce have gone down and on that account the agriculturists are not in a position to discharge their liabilities. In this country we do not find two entirely distinct classes as creditors and debtors, nor could we find two entirely distinct classes as agriculturists and non agriculturists. It is open to any person to become an agriculturist under this Regulation by becoming a servant of an agriculturist or if by purchasing an inch of land anywhere. In a short time we will find that there will be many agriculturists by purchase of some lands in the court sale. Even if they are not willing they will become agriculturists out of necessity. That is why, even when this Bill was introduced, I wanted to make it as comprehensive as possible. If owing to the fall in the price of produce the country has suffered as a whole there is no reason why a Bill which is brought forward with the intention of helping one section of the agriculturists should prejudice another section of them. The definition of agriculturists has been widened to the utmost possible extent. Even a surety of an agriculturist or the member of a family of agriculturists though he may be a Government servant or not, becomes an agriculturist under our definition. What is it that Clause 34, as it stands at present, enacts? It says that from first Chingam 1105 interest shall accrue and shall be allowed to be recovered only at 6 per cent. or one-half of the contract rate whichever is higher.

[Mr. A. S. Damodaran Asan.]

An attempt is made to unsettle all transactions which have come into existence during the last seven years. All expectations that have been legitimately raised on the guaranteed protection of the law of the land should be frustrated. If this amendment is passed there is no question as to the debtor or creditor being protected by the nature of the debt. Sir, with regard to the debts that were due before 1105, and are yet to be discharged we can more or less infer why those debts still remain unpaid. For seven years have elapsed: either the creditor was indulgent enough to give the debtor sufficient time or the creditor is a poor man without sufficient resources to recover the debt from the debtor who might be in a much better position. Under those circumstances is it proper now to say that those creditors who have not yet realised their dues on account of leniency or on account of helplessness should suffer now? Sir, the credit in this country has suffered very much after the introduction of this Bill. (Hear, hear.).

Not that I am speaking on behalf of either creditor or debtor, but in such matters it is absolutely necessary that no delay should be caused. I might also be permitted to say, to quote your own statement, that "delay means denial". Under the conciliation chapter there is ample provision to give relief to all deserving debtors. When an amendment was moved for limiting the area of operation of Boards, I very vehemently opposed that amendment, because I was very anxious that that form of relief must be extended to all deserving persons. Though unfortunately I was defeated, there is the promise of the Law Member that Boards would be extended throughout the State without much delay. Whatever that be there are those provisions. If there is any delay in the establishment of Boards, there is this Assembly to press upon Government the necessity of establishing Boards throughout the State; it would be found that under the conciliation chapter power is given to the Conciliating Officer to reduce the interest as well as the principal. And an objection might be stated that that is a voluntary affair and if any creditor refuses to accept conciliation he will not be bound by it. But there is another Section in the same Part *i. e.* Section 19 which says that if a creditor without caring for the decision of the Conciliation Officer rushes into the court, the court is competent to reduce the interest on that sum from 1st Chingam 1105 to 4 per cent.

MR. P. C. KURIYAN (*Kottayam I*): So, that question settles the State's guarantee?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Yes, to the extent that is proper. The creditor as well as the debtor are given sufficient opportunity to place their cases before the Conciliation Officer for decision. My friend should understand the distinction between subjecting to the decision of two tribunals and asking the Legislature to lay down a law to affect all persons. There is much difference between the two, Sir. Equitable relief should be given to deserving cases. What I was submitting is that under Section 19 power is given to reduce

interest from 1st Chingam 1105 to four per cent. So there is that provision under Section 19. What is wanted by this amendment is that a debtor who does not go before a Conciliation Board and convince the Board of the grounds on which he is entitled to concession, must be given a relief. Sir, is it not an accepted principle that when a legislation is enacted retrospective effect should be given only where there are very important grounds of public utility ? Is there any such thing here? I do not think there is any ground for laying down as a provision of law that interest from 1105 should be reduced in all cases. Consider the case, Sir, where a comparatively poor person has advanced some money to his rich neighbour who happened to be an agriculturist. He must have given the money in the hope that after some years he will be able to recover the interest and the principal to give his daughter in marriage. Now when this poor man is expecting that he will get the whole amount to discharge his liability, both religious and social, he will be told, there is the law under which you are entitled to get only half of the interest. What the reason is for enacting this Clause I am unable to understand. As the learned Law Member observed, the only ground is that the debtors who are in affluent circumstances and are not prepared to go before a Conciliation Officer should get some relief. Is it proper that such a legislation should be enacted in this Legislature? Sir, I am firmly of the opinion that it will be inadvisable for this Legislature to adopt such a measure.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Sir, I rise to oppose the amendment moved by the Law Member as well as the amendments moved by Mr. Sambasiva Aiyar. Sir, the Law Member began by saying that he proposes this amendment with a view to take away an amendment that has been incorporated by this House at the second reading stage and to bring the Bill back to its original position. He also pointed out that that Bill as reported by the Select Committee did not contain any provision for giving retrospective effect to the rate of interest from and after 1105. I am sure, Sir, that this House will remember the Law Member sticking to the opinion expounded by the Select Committee strictly. He advocated and trotted it out in season and out of season. Even some changes of a minor nature, which were suggested, were opposed by him on the sole ground that it was not proposed by the Select Committee. But some amendments were proposed by him at the third reading stage and he got them passed by this House yesterday. Sir, this amendment involves a question of giving relief with regard to the rate of interest accrued during the period of depression, and the period of depression was brought into existence by factors absolutely beyond the control of agriculturists' poverty. The forces were beyond his control. It was not his fault that he became incapable of discharging his obligations. According to the opinion of the Banking Enquiry Committee and the Economic Depression Enquiry Committee, normally the agriculturist in Travancore is a man of self-respect, and would not try to evade obligations. Sir, it has been recognised by the A. D. R. Committee to which the Law Member himself was a party, that the

[Mr. K. Kunjukrishna Pillai.]

agriculturist stands in need of relief. Substantial relief can be brought to him only if the rate of interest is reduced substantially during the period of depression. I refer to page 63, paragraph 2 of the Report:

> "After giving the subject our most anxious and careful consideration, the committee found that they were left with no alternative but to take the view that no proposal for the relief of agricultural debt, would be adequate to meet the present situation if it did not include a reduction of the rate of interest yet remaining unpaid on past transactions, during the period of the depression."

That is the opinion that has been recorded by an expert Committee specially appointd for the purpose of investigating this problem. It may be said that that reduction was to be given only to those who pay down cash. It is not the fault of this House nor is it the fault of any of us that provisions enabling that has not been made in the Bill. As a matter of fact the Bill has not made provisions for many of the ameliorative recommendations made with the best of intentions by the A. D. R. Committee. Now, the Law Member goes to move this amendment forgetting the whole history behind the investigation, the whole evidence collected by the Committee and the conclusions reached by them. These recommendations had the unqualified support of the Law Member as an individual member of the Committee.

Sir, there is no reason why this House should be influenced by the suggestion that the Select Committee did not incorporate the amendment that the House incorporated during the second reading. This House had to reconsider the recommendations of the Select Committee and as a result of deliberations came to definite conclusions. This provision was passed by a majority and was then incorporated into this Bill. This is the only amendment which is going to give substantial relief to the agriculturist.

PRESIDENT: Will the Honourable Member take some time?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I may.

PRESIDENT: Now the House will adjourn to meet again at 2.

The House adjourned at 1 P. M. and met again at 2 P. M. with the President in the Chair.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, the question is whether the agriculturists stand in need of relief. Even the Law Member admits that he stands in need of relief. His only argument was that even without the provision for the reduction of interest from 1105, there is ample provision in the Bill to give him substantial relief. But the Committee which went into the question and weighed evidence came to a different conclusion. The Committee said nothing short of a substantial reduction of interest during the period of depression will be an adequate relief to the agriculturists. We know that the Committee consisted not merely of hair-splitting lawyers but of economists and experts and representatives of all interests. Whatever that be, let us consider this. There is after all no substantial relief in the Bill if this amendment is not passed and relief given with regard to the accruing interest during the period of depression, that is, from 1929 downwards.

We found now how this question has been answered by the Law Member. He says there is the Conciliation Board. Sir, the provision of conciliation in this Bill is purely optional and it can become effective only if the creditors and debtors come to an agreement. If one small creditor stands up and says "no, I am not willing to stand by the decision of the Conciliation Officer", the whole conciliation fails. Then of course, it is said that there is the power of issuing a certificate which will be considered by the court. But how far will that be helpful? I think the agriculturists know the attitude which courts now take regarding the conditions of the agriculturists. We were not supplied with the memorandum of the High Court, although it is said that it is laid on the table. It should have been supplied sufficiently early for us to enable us to study it carefully. At any rate, it has not been possible. So, we do not know what valuable arguments the High Court has advanced; whether it is in favour of the retrospective effect or not, I am not at present able to understand. Quotations taken from here and there would not, I believe, guide the House so long as they are not in possession of the whole of the arguments set out by the High Court in their memorandum. According to me, the criticism that the definition of agriculturists in the Bill is all comprehensive and that it includes all kinds of debtors and creditors and that there is no restriction with regard to them, should not be allowed to be put both ways. When the question of this Conciliation Board was raised the Law Member used the very same argument to support his position that the Bill is designed in a manner that will be comprehensive and is going to relieve the agriculturists. Now he says that because this will include all kinds of debtors including also the big debtors, whom everybody looks upon with an eye of envy, he says that this relief should not be given. This is not fair argument. I doubt whether it is fair to create a serious split between classes. All sorts of arguments are conjured up in despair.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The word that I used was 'rich debtor' and not 'big debtor'!

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I feel sure that the Law Member meant a particular class of people to whom I am referring. If that is what he means, I cannot understand the distinction. Everybody in this country knows whom he refers to by saying the rich debtor. I mean he refers to the rich planters of Kanjirapally and the speculators of Kuttanad. I say that this House should not be guided away by this and that this should not be the logic for winning the votes for his amendment. An amendment has to be voted upon by this House purely upon its merits. It is not fair, nor is it just for the Law Member representing Government to put forward such arguments to raise animosities to catch a victory by a member's vote.

Sir, with regard to the British Indian legislation he said that, in British India, there are not very many provisions which are more advantageous than the provisions contained in this Bill. Even with regard to the conciliation, we find that in Madras if the majority of

[Mr. K. Kunjukrishna Pillai]

creditors agree to the decision of the Conciliation Officer they take effect as a decree. There is no provision like that here so that the effect of conciliation as such is problematic. Every creditor has to agree to the decision of the Conciliation Officer if the Conciliation Officer's decision is to take effect. This is an impossibility. At any rate it will be a very rare phenomenon. There may be one person who says that he is not going to agree to that. He can do that by the indirect inducement from other creditors. Then the whole conciliation proceedings could be stopped. Of course they issue the certificate. Only the man with ten or twelve rupees debt who is put up as the obstructor will come in for the penalty. Then the whole purpose and work of conciliation can be nullified and after all it will be found in practice that the work of conciliation is not going to bring substantial relief. I am prepared to say that these are extraordinary measures intended to meet an extraordinary situation. And I cannot be bluffed by saying that this is rather expropriatary and illegal. In Europe even in countries that have not turned socialist, they have taken much stronger measures than this for debt relief. Recently the very same piece of legislation was adopted in Manitoba against which a comment appeared in the editorial columns of "the Hindu" which the learned Law Member may use to controvert me by quoting as an authority. It was a right policy and it was the necessary policy of a Government to put the agriculturist on his feet and to protect him because he is the basis of society which supports a well constituted Government. That fact has been admitted ever so many times by eminent men in all countries and that fact has been admitted by the authors of the Agricultural Debt Redemption Committee. The Law Member asks us to take off our hearts and consider this question with the aid of the intellect only. It is impossible, neither is it desirable. It was not possible for the A. D. R. Committee to keep away their heart and consider this question with their brains only. It is impossible to look at it from an intellectual point of view only. The whole weakness of the argument of the Law Member lies there Sir, I feel confident that this House will not view this from the point of view of a pettifogging lawyer. I do not believe that they will view contractual obligations with a cruel mentality The whole problem has to be looked from the point of view of a statesman. The Legislature has to decide this question with the far sighted vision of a statesman.

Then it is said, as it has been said very often. nay *ad nauseam*, from every part of the country wherever such legislation had been introduced, that credit would be destroyed. It is a ground that will not bamboozle this House, because they are very much accustomed to this cry. What is credit? Credit is the capacity to meet obligations. If the agriculturist should have credit, he must be enabled to meet his obligations. He must be put on his feet. That is why Government are introducing these relief measures, and trying to ameliorate his condition. It is to resuscitate his credit.

The Madras Debt Relief Commissioner has stated that such people, for whom the Law Member poured forth his sympathy, are doomed for ever, and they cannot be rescued. The ameliorative measures are intended for the protection of debtors who happened to be debtors for no fault of theirs, but on account of the phenominal fall in the commodity prices and who may recover if some help is given. They must be helped. They ask you, "how are you going to help us"? Will you give us a short respite, an opportunity to find the money? The bright hopes of the agriculturists have been ruined on account of the fall in prices on account of the general economic depression. Nobody can be held responsible for that. Why should you not sympathise with them? I cannot understand it if you say that it was due to the fault of the rich agriculturists that he became unable to meet the obligations.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Even in that case should he not be put on his feet?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): By all means do that if you can. But let that not be an argument against those who deserve help and who with a little help that the State can afford to give will revive and prosper, and will be a useful member of society. They must be helped. Then what are these legal obligations? Are they the ten commandments I ask?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The principle is the ability of the debtor to pay his debt.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Civilised States have come to the conclusion that such reliefs are necessary. Even in India many Provinces and States took action long before the Law Member came forward with this legislation. The Law Member says that in those parts usurious interest was levied, and so that may be justified. There is no such thing in Travancore because there was the restriction of 12 per cent interest. But as a matter of fact, banks and chitties and various other bodies do collect more than 12 per cent. This fact has been found, and has been recorded by the Banking Enquiry Committee. You cannot get out of that.

There is no use trying to dispute it at this late stage. These are arguments which I am sure will not weigh with the House in changing a decision which has been arrived at by an overwhelming majority. Sir, this is the only provision in the Bill which will benefit every one of the debtors. It has been conceded by Mr. Asan, who *supported* the Law Member, that in Travancore no distinction can be drawn between creditors and debtors—every one is a debtor and every one is a creditor—, that no distinction could be drawn between agriculturists and non-agriculturists. That shows, Sir, that every one in the country has been hit by the fall in the prices of commodities, and therefore stands in need of relief. And, as I said, this is the only provision which will bring relief to every section of the people.

The argument has been advanced by the Law Member that there have been memorials and deputations from the creditors, and that they

Mr. K. Kunjukrishna Pillai.]

would not have agitated like that unless they had a real grievance. Sir, if that argument can be advanced in support of the amendment, it can be said with equal force that the moment the agriculturists heard the rumour that the Government had an idea of not pushing through the Bill as it is, immediately they also sent letters and telegrams, and waited in deputation upon the Government. They too did all that lay in their power. So, Sir, deputations and representations cancel each other. I do not think the House need be guided by the kind of paper used by one party or the other. The bankers might have printed their memorandum on very good paper. The agriculturist debtors might have typewritten theirs on cheap paper. The House will not be guided by these considerations. But that cannot affect the validity of the arguments advanced. We should not be guided by such superficial things. Let us consider the questions on its merits.

I know, Sir, there is a fear in the mind of some members of this House that unless this amendment of the Law Member is accepted, the Government may drop this Bill. There is a feeling like that, so that I fear that, irrespective of the merits of the question, some members may fall into this net and vote for the amendment. For a moment I do not believe that the Government will throw out the Bill merely because we throw out this amendment. We know our duty. We have considered this question. It was fully discussed on the last occasion itself. No new argument has now been brought forward in support of the position taken up by the Law Member. Therefore if we go back upon our decision and now support the Law Member's amendment, we would be committing two blunders. On the one hand, we would be deciding the issue against our conviction; and on the other hand, since the Law Member has not now added any new argument, we would be admitting that on the last occasion we did not consider the question properly.

Sir, if the Government really feel very strongly that the provision that we have passed must be changed, they have got the power to do it themselves. Why should we do it? I am sure the Government will not wreck the Bill on the ground that we do not accept the Law Member's amendment; because, as I said, they have ample powers to make any amendment they like. Under Section 27, I think, of the Regulation, they have got the power to do it. Therefore the Government will never wreck this Bill. I am emboldened to say that. They will not do it.

The issue has, therefore, to be decided purely on its merits. If the Law Member has brought in any new convincing arguments to make us change our decision, well and good; we can vote for the amendment. But, I have not found a single argument in his speech which would justify our changing our former decision. Nothing new has been said or done. I therefore hope that the House will vote down all these amendments and stick to its original stand.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I support the amendment moved by the learned Law Member, and oppose the amendment moved by the honourable member Mr. Sambasiva Aiyar. In doing so I have three arguments in support of my position.

As it is, the provision now sought to be amended by the Law Member is inconsistent with Clause 19 of the Bill. That Clause contains very effective provisions to make the parties that appear before the Board, wherever such Boards are to be established, accept the decision of the Board. I am of the opinion that, if the Law Member's amendment is not accepted, there will be no obligation on the part of the parties to accept the decision of the Board. That is one reason why we should accept the Law Member's amendment. If not nobody will be willing and prepared to face the Debt Conciliation Boards through which the main source of relief is sought to be conferred on the agriculturist debtors in the State.

In the second place, Clause 34 of the Bill will be a dead letter so far as the period between the 1st Chingam 1105 up to the end of Kanni 1112 is concerned, unless the Law Member's present amendment is accepted. Under the law now in force, no creditor will be entitled to recover interest amounting to more than half of the principal. Now the interest due from 1108 Tulam till the date on which this Bill becomes law will alone be taken into account for the purpose of finding out whether it amounts to half of the principal or more and for this period alone the interest at 12 per cent. will amount to one half of the principal. That is why I say that Clause 34 will be a dead letter. I find no necessity to keep in the Statute Book a provision which is in part a dead letter in its operation.

My third point is this. As a matter of fact most of our Joint Stock Banks are being run at present with the money deposited with them by others and such deposits carry interest at the rate ranging from 9 per cent to 12 per cent per annum. The banks are therefore debtors to the depositers so far as the total amount of deposit is concerned. The provisions of this Bill will not help the banks so long as they are made inapplicable to all except the agriculturial debtors. They have to pay interest at 9 per cent. or more. On the other hand the parties to whom they have lent money will, under the provision now sought to be amended, be bound to pay them only at 6 per cent. even from 1-1-1105. Therefore, the whole of the banking business in the State will be paralysed if the present amendment of the Law Member is not accepted. I therefore support it. I fully endorse all grounds mentioned by the honourable Law Member in support of his motion.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): As one of the movers of the amendment which is now sought to be cancelled or set aside, I wish to say a few words on this matter. At the very outset, let me say that I oppose both the amendments, the one proposed by the Law Member as well as the one by my friend Mr. Sambasiva Aiyar.

[Changanachery K. Paramesvaran Pillai.]

In my opinion, the Law Member has adopted a very curious, an extraordinary, procedure in coming to this House with this amendment asking this House to review a decision which it reached after due deliberation. To me it appears, Sir, that, that attitude on the part of the Law Member, is based on one of two assumptions, namely, either that the House does not reflect public opinion properly or that the Bill was rushed through hastily. I contend that neither of these assumptions is justified.

Assuming for a moment, that both these assumptions are justified, what is the proper procedure to be adopted? One can understand the present course of action if, as it was till recently, our Legislature consisted of only one Chamber. But now, fortunately, we have two Houses. There is the Upper House to correct the errors, if any, of this House.

Even for a review, Sir, there must be some new argument or fact which had been lost sight of on the former occasion. I ask, has the Law Member been able to place before the House a single new argument or fact. So far as I could see, there was nothing but a reiteration of his stock arguments.

Even at the start, the Law Member began with contradictory statements. He said that the provision involved refunding of interest already paid and was therefore unfair and unjust. When he said this one member interjected that the provision did not contemplate any such thing. Immediately the Law Member turned round and argued that, that was still more unjust since that would involve the penalising of the debtor who had been paying promptly, and rewarding the debtor who had been unpunctual or had been dishonestly evading payment. These positions are inconsistent. I submit again that to say that non-payment of interest is in all cases due to dishonesty or a desire to evade payment is hardly true or just to the debtor, I do not deny that there may be such cases also. But that cannot be said to be the rule. Generally speaking it is sheer inability and not unwillingness or dishonesty that is the cause of non-payment.

The next argument of the Law Member is, that the Clause is expropriatory. This argument was dwelt upon by him for more than half an hour on the last occasion. The only change in the argument on this occasion was that he did not qualify it with the words 'unrepentant' and 'unabashed' as he did on the former occasion. It appears to me that this word 'expropriation' has been used in order to overawe the members of this House. This is an expression which can be understood only by lawyers. As most of the members of this House are not lawyers, probably the Law Member thinks that by using this word, which connot even be easily pronounced, he can overawe the members of this House. Now, Sir, speaking of expropriation, I should say that every Section in this legislation is expropriatory in one sense. Conciliation itself involves a very large amount of expropriation. It may be said that conciliation is voluntary and is effected with the consent of the creditor. But it has to be remembered that the Conciliation Board has the

power of giving a certificate in case of disagreement. If a certificate is given, then there are sanctions provided in the Bill against recalcitrant creditors. The court can refuse to decree costs to such creditors and also reduce the rate of interest to 4 per cent. from 1105 to the date of the decree. Therefore it is compulsory expropriation. Adding one more piece of expropriation, to the several cases allowed by the Law Member, will not I think, do much harm. But I do not think that it is expropriation. We are not taking away anything from people who have morally earned it. Sir, we are not here to administer law. We are here to legislate. We are therefore entitled to consider whether a debtor who fails to obtain sufficient profits out of the investments he made, so as to be able to pay more than six per cent. interest is not entitled to claim a reduction in the rate. If the investment does not bring insufficient profits, then I submit the money-lenders have not morally earned the interest. If they have not morally earned it, then there is nothing immoral in asking them to forego a part of the interest. It is then said that credit will be destroyed. This is also an argument which was repeated *ad nauseum* on the last occasion. Now, Sir, if the credit of the country is ever destroyed, it will not be on account of this provision which relates to past interest only, but to the other provision which has already received the blessing of the Law Member and this House, *viz.*, that future interest shall only be claimable at 6 per cent. What is it that has been provided for, in respect of past interest from 1105? All that has been said is that the Legislature might interfere and reduce the rate of interest, to 6 per cent. in respect of past debt. The amendment does not involve future transactions at all. On the other hand, the Section as it stands says that, so far as interest from the date of commencement of this Regulation and for three years subsequent to that is concerned, no interest shall be levied at a rate higher than six per cent. That is the provision which, if at all, affects the credit of the country because that relates to future transactions. But the present provision will only relate to past interest which cannot in any way affect the future credit of the country.

Again the people who are affected by this legislation put forward the interest of the opposite side and not their own as the reason for the amendment. They are more anxious to safeguard the credit of the agriculturist than their own selfsh interest. This is sheer hypocracy. The other day, at a meeting of the Educational Advisory Committee, we heard a similar argument. The question was whether fee concession should be allowed to those depressed class pupils who have failed in an examination. It was contended, not in the interests of the Government exchequer but in the interests of the depressed classes themselves, that that this concession should not be allowed as that would encourage idle men among the pupils. I think that that is an argument which is not likely to be accepted by any reasonable people.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know from the member whether that argument in the Educational Advisory Board succeeded or not?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnathur cum Pattanapuram*) : Yes. That is the trouble.

It is said that capitalists will leave the country and the agriculturists will suffer for want of capital. In Bhavanagar and other countries money-lenders are a professional class who can easily migrate from one country to another. Can we say the same thing of our country? It has been stated, over and over again, by the Law Member himself that the creditors in this country are not professional money-lenders, but agriculturists. The majority of the creditors are agriculturists themselves who have some spare money to lend to neighbouring agriculturists. If that is so, what are the agriculturist money-lenders going to do with their money? Are they going to migrate to the neighbouring British Districts? They are usually shy of investing money in property in their neighbouring village. Is it likely then that they would migrate to Madura or Tinnevelly with the small amount of capital at their disposal? I do not think that this argument about loss of credit has any force at all.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): One question. Should not a distinction be made between an agriculturist who is able to pay his debts and another who is unable to pay his debts?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnathur cum Pattanapuram*): No. It is not expedient. The expression that "a man is able to pay his debt" is a very vague one. It may be that a man may have sufficient property by selling which he will be able to pay his debts. But I ask the question why should he be thus compelled to sell his property. If the relief is necessitated by circumstances which are not in his control, he is just as much entitled to relief as any other person.

Again it has been said, relief was given in other countries, because usury existed in those countries. Usury is a comparative term. What is usury in one country may not be so in Travancore. In Travancore where the law prohibits the awarding of interest at a higher rate than 12 per cent. it would be usuary to claim anything more. But in British India and other states it may be different. There is no law in those countries restricting the rate of interest. But our agriculturists are very poor. So far as I have been able to study the conditions in this country, our agriculturists are very much poorer than in other countries. The standard of living is very much lower and in every way our condition is very much worse than the condition elsewhere. Therefore our agriculturists will not be able to pay as high a rate of interest as the people in other parts.

Another argument advanced by the learned Law Member was that the banks in many cases have taken deposits at a higher rate of interest and therefore they will lose that interest. This statement cannot be accepted without proof even though it comes from the Law Member. I challenge this statement and affirm that, to my knowledge, the banks have not been paying interest at a rate higher than 6 per cent. In some cases they have been only paying even less.

Even assuming that the bankers have paid interest or dividend at a higher rate than 6 per cent., I may say that the Banking Enquiry Committee as well as the Agricultural Debt Redemption Committee, after careful enquiry, have come to the conclusion that the money-lenders have been receiving a higher rate of interest, 25 to 30 per cent., and even 50 per cent. in some cases, during the years of prosperity. We are now asking them only to disgorge a small portion of the illegal gains which they made during years of prosperity to save the poor agriculturists from ruin during this period of depression and low prices. This is but justice.

MR. A. S DAMODARAN ASAN (*Mavelikara*): May I ask the member whether it is only such persons who have received 30 per cent. interest are now asked to discard interest?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur* cum *Pattanapuram*): Yes.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does not this statement require proof:

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur* cum *Pattanapuram*): Yes. I have already referred to the Report of the Banking Enquiry Committee in proof of this statement. I have quoted the relevant passage from the report in my speech on the last occasion and I would refer the Law Member to that. The Enquiry Committees have unhesitatingly come to the conclusion after due enquiry and after taking evidence that the interest which these money lenders and bankers have received, has come to even 50 per cent. at times.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether it is the case with all the bankers or with some bankers that the report refers to?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur* cum *Pattanapuram*): It is so generally. The member may refer to the Report.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I ask one question?

PRESIDENT: Instead of allowing such questions to be asked, is it not far better to allow the speaker to finish his remarks?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur* cum *Pattanapuram*): These are the arguments of the Law Member, in support of the amendment which he proposes to move, and I have dealt with them. I have submitted that none of them is new to this House. The only new fact, urged in support of this amendment, not in this House but outside, is that prices of agricultural products have improved. That is a statement made before the Dewan by the members of the deputation who waited on him to represent the cause of the bankers and money-lenders. They say that the prices of cocoanut and rubber have improved and there is no need therefore to give further relief to agriculturists. With regard to rubber what I have to say is that this argument is entirely irrelevant so far as the present amendment is concerned. We are not now dealing with the ability of the agriculturists to pay higher

[Mr. Changanachery K. Paramesvaran Pillai]

rate of interest to-day or in future. Nobody can deny the fact that the years between 1105 and 1110 were years of depression, during which the prices of agricultural products were admittedly very low. It is at that time great difficulty was felt by the agriculturists for payment of interest. The improvement in prices to-day does not enable the agriculturists to pay a high rate of interest in the past. Now let us examine the argument on its merits. It is true that, in regard to cocoanuts, the prices have registered a slight increase but this improvement has not benefited the cocoanut planters because owing to bad seasons and the inability of the agriculturists to manure cocoanut trees, the yield from cocoanut gardens have fallen by more than 50 per cent. In proof of this, I would invite the attention of the house to a few sentences from the address delivered by Mr. Pollard as Chairman of the Annual General Meeting of the Travancore Chamber of Commerce held in December 1935. He says -

> "Doubtless the prices of cocoanuts have registered a marked improvement this year, but owing to unfavourable seasons and the inability of the cocoanut cultivator to give greater attention to the palms the yield has diminished considerably which is seen reflected in the fall in the exports of copra and cocoanut oil. If, with the prices, production also had improved, the cultivator would have been benefited. That unfortunately is not the case. give below the figures for exports of cocoanut oil.

	1934/35	1935/36	Decrease per cent.
Cwts.	366,763	153,804	58·1

By the improvement in the prices of rubber, to some extent, the rubber planters have been benefited. There again, I cannot say, that they have been benefited to the same extent as is ordinarily supposed. To appreciate this statement, it is necessary to understand the nature of the restriction scheme. Under this, each producing country is allowed an exportable quota which is generally a certain percentage of the production in that country. The total production is estimated by an expert body and what is known as basic quota is fixed for each country and the percentage allowed to be exported is called the exportable quota. For the latter, a license is issued by the Committee, and rubber can be exported only under this license. The basic quota was determined on the basis of such accounts. The native planters unfortunately had no audited accounts. The determination of the quota in their case was made by an officer and he fixed it actually at 50 per cent of the yield. It was only a rough calculation. We are not therefore able to export more than 25 per cent of our actual production. Again 60 per cent of rubber plantation belong to the Europeans and the rest only to non-Europeans. That is the position of rubber. This is the only new fact alleged by the bankers in support of the amendment under consideration. There is absolutely no justification, therefore, in asking this Assembly, to reconsider its decision that was arrived at after due deliberation. With these words I oppose the amendment moved by the Law Member.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Have not the Agricultural Debt Redemption Committee recommended a preferential treatment being granted in regard to rubber?

PRESIDENT: I disallow that question.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): The House has been listening to a good deal of eloquence on both sides in respect of this amendment. My friend, Mr. Kunjukrishna Pillai told the House not to be influenced by considerations of what the Government might do with regard to this Bill. I am glad, Sir, that he said so; but for a different reason. I consider the possibility of Government doing this or that, entirely irrelevant to our discussion on this matter before the House, so that I do not take into consideration the fact that Government is going to do anything at all against what we are attempting to do. (*Hear, hear*) What the Government will do later on, is a point that should concern ourselves only if any discussion becomes necessary hereafter, a contingency which I for one do not apprehend.

I may assure my friend who made an appeal to the heart that I am talking on this motion in entire possession of my heart, but a heart controlled by the head. There is absolutely no necessity why a man should brave such a volume of public opinion unless he feels that it is his duty to put before the House certain aspects which occur to his mind. Now, Sir, guided by that sense of sacred responsibility, I am proceeding to offer a few remarks.

My friend, Mr. Changanachery Paramesvaran Pillai, asked the House why we should review a decision which has already been passed. My argument is this. There are two reasons, and according to me, two important reasons. I claim that I am not a "hair-splitting and pettifogging lawyer". As a lawyer but without forgetting economics, politics and such like things I have learned, and only taking a relevant view of the principles of economics as a lawyer, I am saying this. It is not fair to say that all lawyers are hair-splitting and pettifogging. Sir, I claim that the greatest statesmen all over the country were often lawyers.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether the member opposes or supports the amendment?

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): I am very sorry that my friend Mr. Pacode A. Narayana Pillai, who certainly knows things very well, is not in a position to understand this simple matter. Is it the position that I should categorically say that I support or oppose the motion? I may tell him that in order to help the play of his intelligence on this question that I am supporting the amendment.

Two reasons I wish to detail. Mr. T. P. Velayudhan Pillai, who made a very short speech, one which was impressive and convincing in its brevity. Some time ago, this House had to throw out a measure because a Bill which was passed in 1111 had the year 1110 in its title. Let us keep that and the reasons for that in our minds. The

[Sadasya Tilaka T. K. Velu Pillai.]

year 1105 is an important epoch in the history of this Bill. I understand the argument of Mr. Velayudhan Pillai to be this. If a certain sum of money is invested at interest, the interest in 50 months at 12 per cent, will amount to half the principal. According to the Clause of the Bill with which we are now concerned it is only 6% maximum which can be given. So if a person contracted a debt in 1104, by 1108 the interest will so accrue that it would amount to half the principal. According to the law, as now incorporated, in the Civil Procedure Code, a court will allow interest amounting only to half of the principal.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Is the hon'ble member aware that parties, in order to avoid this law of interest accumulating to half the principal, very often renew their contract and start with a fresh contract?

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): That is a point I am prepared to answer. That makes my position stronger for, if interest is calculated and every year a renewal is effected and we are asked to go back upon those documents, that will mean the loss of the rights of property. While we are helping them only with regard to the interest for a certain period, say for four years, we take the credit for giving that protection for a longer period. That is wrong. That is neither straight nor honest. We are a responsible body and we should not proclaim things which have no substance.

The second reason is also equally important, and still more important, because it was Mr. Changanachery Paramesvaran Pillai who proposed this amendment on the last occasion. If it were any other member, probably I would not have emphasised it to the degree that I am going to do.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know why?

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): If I am to give my opinion on this point at every stage.........

PRESIDENT: The hon'ble member will continue.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Sir, I rise to a point of order. The member has been paying compliments and appreciation in such a high measure.

PRESIDENT: Paying of compliments is not a point of order.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): Without answering that question, permit me to say, that I am prepared to make this statement that the amendment which was passed in the last session was moved by one who has got considerable knowledge of the country, one who has got considerable judicial experience as a Judge, and that after having bestowed considerable thought to all aspects, in this responsible Assembly, he had moved this amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I correct the member? This amendment was moved by me.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): I do not mean any disrespect to anybody. But the records will show that Mr. Changanachery Paramesvaran Pillai's name was in the agenda as the mover of the amendment.

PRESIDENT: The hon'ble member will go on with discussing the amendment.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): I am concerned with the present amendment only. I am very thankful to the Chair. On page 172 of the Report of the Agricultural Debt Redemption Committee it is said:—

> "The evidence of disinterested witnesses like Messrs. Changanachery Paramesvaran Pillai, B. A. and B. L., K. G. Sesha Aiyar, B A. and B. L., retired High Court Judges and Mr. Pattom A. Thanu Pillai B A. and B. L, High Court Vakil shows that the object of legislation should be to exclude relief to the inprovident debtors and grant relief, if any, to debts incurred purely for purposes of cultivation as distinguished from capital and speculative investments—"

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether...

PRESIDENT: I must say that interpellations should be avoided unless they arise by way of correction of an obvious mistake or anything like that.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I was going to ask whether a member who changes his opinion from the last session to this session can question the right of other members to change their views.

PRESIDENT: That question is a psychological problem and not really a point of order nor is it a legitimate criticism of the hon'ble member who is now on his legs.

The hon'ble member will proceed.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): I had to deeply ponder over this subject because a review is always a difficult process. But discovery of new and important matter is very important so far as the credit of a country is concerned. I am prepared to accept the position that, like other people, I may change my opinion as more light is brought to bear upon these questions. Therefore anybody who changes his opinion on proper grounds must deserve congratulations. (*Hear, hear*). I am at the amendment, Sir. The agriculturist requires protection. He has been always unfortunate in the history of the world. Even if he clears his debt one year he is obliged to borrow next year. I was saying that the agriculturists must always depend upon the facilities for getting credit. The root ideas of credit were analysed by Mr. Kunjukrishna Pillai. Credit, I take it, is to enable persons to borrow at reasonable rate of interest. And unless the creditor feels that there is no extra-hazardous risk and unless the money is secured properly, he will not advance it as a loan. There is one other extract which I would like to quote. That Travancore is a poor country, is a position which I accept. That the Travancore agriculturists require help is a contention to which I will whole-heartedly

[Sadasiya Tilaka T. K. Velu Pillai.]

subscribe. But in order that they may get money, in order that credit may be available to them for cultivating their lands, I say that persons who deny............

MR. K. R. ELENKATH (*Kalkulam I*): May I know the document the member is referring to?

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum Urban*): It is from the Travancore Banking Enquiry Committee Report. On page 54 paragraph 68, it is stated:

		Number of loans.	Amount Rs.
Joint Stock Bank	...	2,467	15,63,994
Co-operative societies	...	1,709	5,60,178
Money-lenders	...	50,986	1,52,71,138
Government Agricultural loans		280	1,50,015

It is a patent fact that every agriculturist is a lender and also a borrower. There are banks functioning well. Mr. Kamath raised an important point. Travancore is not an isolated plot of land. Now, on account of the facilities afforded people can come and invest their money here. We can also go outside to invest our money. It is practically open to us to take advantage of every thing that goes on in the outside world. When the Government were obliged to borrow, outsiders lent money. Now we should not create the impression to the outside world that our security is in a haphazard condition. People in Alleppey, Cochin, Nagercoil and other places cannot get on. They cannot get on with their agriculture unless they borrow money on reasonable terms. While I maintain that the agriculturist is entitled to help, I do maintain that distribution is as important as production. I do not want to take more of the time of the Assembly by quoting passages. Even the Agricultural Debt Redemption Committee has arrived at the conclusion that the traders are as much indebted as the agriculturists. If it was a general law that all debtors should get relief, the position would have been different. I take the view that the help that the agriculturists require is not such help as is now intended to be given to them. That would not only prevent borrowing but will also help dishonesty and fraud. If there is a bad creditor and a helpless debtor, what will be done is to make him renew the agreement. A prudent creditor, on the other hand, will keep quiet for a time. He will allow the interest to accumulate and then, all of a sudden, file a suit and get a decree for the whole amount. Therefore to say that a good creditor, a bad creditor, a prudent creditor all these people should be treated similarly is not quite fair. In the light of the fact which I afforded in the beginning with particular reference to the arguments of Mr. T. P. Velayudhan Pillai and with reference also to the fact given by the reports of expert committees, I have no hesitation in saying that the very scheme and frame work of the legislation will be disturbed. If all are treated in the same manner, why should anybody go to a Conciliation Board.

The agriculturist is entitled to get the relief he wants by the provisions in the Bill. So in the larger interest of our reputation and the security of the State, especially in economic matters, I am justified in supporting the amendment.

MR. P. C. KURIYAN (*Kottayam I*): Sir, in supporting the amendment, I may say that Mr. T. K. Velu Pillai has given me the lead in changing my opinion. Mr. T. K. Velu Pillai has expounded the theory that the sanctity of contract can never be securely kept. In the civilised countries of Europe almost all the Nations have violated the sanctity of contract and treaties.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): I certainly maintain even to-day that there is no security in the sanctity of contract.

MR. P. C. KURIYAN (*Kottayam I*): Sir, I am a young man who has come to the Assembly for the first time and naturally I was carried away by the precious arguments of our Deputy President. I find it difficult to make up my mind one way or other on a matter on which seniors like Mr. Changanachery and Mr. Velu Pillai changed views so often.

PRESIDENT: Elaborate explanations for changing one's mind are not needed. Has the honourable member finished?

MR. P. C. KURIYAN (*Kottayam I*): Sir, I have not got anything more to say (*Laughter*).

MR. N. E. VARUGHESE (*Tiruvalla I*): Sir, I rise to oppose the amendment. I look at this question firstly as an agriculturist, secondly as a villager, and lastly as a Travancorean. Sir, this question has been threshed out at the time of the second reading of the Bill. Deliberately we came to the conclusion that retrospective effect should be given in the calculation of interest and that it should be incorporated in the Bill. Now after hearing the arguments of the learned Law Member I am not the least inclined to change my position which I adopted and as one who moved for such an amendment in the Bill before us I still maintain my position. Sir, much had been talked on the sanctity of contract and such other things. We read and we know how contracts and agreements are treated in western countries from where we have more or less studied our principles of law. May I remind the Law Member that he has got a Bill, *viz.*, the Rubber Control Bill which is likely to come up for second reading in this House? What sort of a law is the Rubber Restriction Law? Sir, every proprietor has a right to cultivate anything he likes in his, land. Has he that freedom under that law? Except my friend Mr. S. J. Nair, all honourable members of the select committee have strongly recommended the adoption of the Bill without the alteration of a single letter. So what I say is, when emergent requirement necessitates changing or adopting laws which are against common jurisprudence, it is the duty of the Legislature to accept those changes. Is it fair for the Legislature to say that a particular law is expropriatory at one time and to say that the same is not expropriatory at another time? Is it just for the Legislature to adopt

[Mr. N. E. Varughese.]

one opinion at a time and after a few minutes to say just against that opinion? Another point I like to bring to the notice of the House is that the argument advanced by the learned Law Member for deleting the provision in the Bill relating to the reduction of the rate of interest from 1105 will apply equally to the provision respecting the rate of future interest. If the principle advanced by the Law Member for deleting the portion relating to past interest is accepted, they are equally valid for deleting the provision relating to future interest. So, if the learned Law Member can incorporate a provision for reducing the future interest, equally on that very same ground, the reduction of interest from 1105 is acceptable. Sir, this extraordinary measure is dependant on extraordinary circumstances. Ordinary rules of jurisprudence, ordinary laws of contract, are not generally to be applied in cases like this. It is admitted on all hands that Travancore is an agricultural country. More than 80 per cent of the population are agriculturists. And now this majority of the population are in need of substantial help. I ask this House what substantial help is going to be rendered to them but for this small item of concession in this Bill. This Bill is not worth its name, *viz.*, the Travancore Agriculturists' Relief Bill, if this amendment is adopted in it (*Hear, hear*). So I appeal to the House to throw out the amendment.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I was anxiously following the arguments advanced by the learned Law Member when he moved this amendment to take away what has been done with regard to this matter during the second reading of the Bill. Sir, I thought I could get some fresh light justifying a change of position with regard to this matter. But I am sorry to tell you that I do not find anything in the speech of the learned Law Member which would influence the members on this side of the House to take a different view from what we took during the second reading stage. Sir, with regard to the arguments advanced in support of the amendment they have all been categorically answered by Mr. Changanachery Paramesvaran Pillai. I don't propose to cover the same ground except to touch upon one or two points. I am quite prepared to give credit to the forensic ability of the learned Law Member, but I am rather chary in giving credit to the Law Member for his knowledge of economics. The stock arguments which the learned Law Member advanced during the second reading stage as well as in the course of his speech to-day are that this is an expropriatory provision. The honourable member Mr. Changanachery Paramesvaran Pillai justified this by admitting that the provision is a bit expropriatory. I wish to say that there is absolutely no expropriation so far as this provision is concerned. Expropriation implies existence of some vested right of property. I ask honourable members of this House whether there is any property in accumulated interest. Sir, every student of economics knows that interest is only unearned increment just like the income which a rich Zemindar gets from his extensive lands by the labour of his toiling tenants. Interest is earned not by the sweat of brow.

MR. M. SIVATANU PILLAI (*Tovala*): May I know from the member whether that definition is correct?

PRESIDENT: Questions of political economy raised by Mr. Narayana Pillai need not be discussed.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): May I know whether the honourable member can quote one economist in support of his view?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I may submit that I studied a bit of economics at the feet of my revered professor, none other than, Mr. C. V. Chandrasekharan (*Laughter.*)

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*)): Sir, I disclaim entire responsibility for this.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): My learned pro-essor might have changed his view as the others are doing now. My position is this. I am sure that there is absolutely no question of expropriation so far as this Clause is concerned. Many eminent judges have held that the agreement to pay the interest is only subject to certain conditions prevailing at the time of the contract. When those conditions cease to exist, the parties are at liberty to take a different view altogether. That is the right view with regard to the sanctity of contract, with regard to expropriation and all those things that courts of law take. If the courts release parties from contracts solemnly entered into by them on such grounds, I ask the honourable members of this House where is the difficulty for a Legislature which is to lay down the law. The courts are to administer law. Where is the difficulty for a solemn Legislature to pass a measure, wherever the conditions prevailing require such ameliorative measures? So the argument of expropriation goes. My honourable friend, Mr. Changanachery Paramesvaran Pillai, was referring to the practice of certain class of money-lenders in Travancore realising very exorbitant rate of interest. The correctness of the statement was questioned. I have got in my hands the report of the Banking Enquiry Committee in Travancore. In paragraph 67 this is what they say:

> "Except from Government and Co-operative Societies the conditions of borrowing are adverse to the ryots and in some cases even ruinous. Agricultural loans are issued at the rate of 6 per cent per annum and the Co-operative Societies lend at 10½ per cent. The Joint Stock Companies start from 12 to 15 per cent. The professional money-lenders however start with high rates of interest ranging from 18 to 50 per cent. In Nanjinad the ryots are inconvenienced by the private money-lenders who charge up to 75 per cent".

This is the recorded opinion of an expert committee. It has recorded the evidence from persons representing different interests.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): May I know in what year the report was published.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I do not exactly remember the year. I believe it was some 5 or 6 years since the report was published.

[Mr. Pacode A. Narayana Pillai.]

Sir, that is the view of the Banking Enquiry Committee that went into this question some years ago. In the face of this opinion it is idle to contend that there is no case for the reduction of interest so far as agricultural debts are concerned.

Sir, another point that I would wish to bring to the notice of the honourable members of this House is this. This is not the first time that the Legislature intervenes in order to give the needed relief to the agricultural debtor. The question of the rate of interest charged on loans engaged the attention of the Travancore Legislature some hundred years ago. It was the only kind of legislation that we had in those days. I refer back to 1010 M. E. When the condition of the agriculturists was distressing, the Legislature stepped in since exorbitant rates of interests were being charged and levied by creditors. The then Legislature was not such a popular body as we have now. To-day we have got sufficient popular element in our Assembly. In those days they had their own procedure. We are bound by those laws and those laws are still in force. Sir, it is idle to contend, as I submitted a little while ago, that the Legislature has no power to interfere with this question of interest. Sir, with regard to the reduction of interest, it has been admitted by both the supporters and the opponents that relief is absolutely necessary and that relief ought to be given. Then, the only question is from what period this reduction should be made applicable. Sir, the amendment that was carried out on the floor of this House during the second reading stated that since there was an unprecedented fall of commodity prices from the beginning of the year 1105, it was an equitable relief that that should be the period during which this reduction of interest should operate. This is the *reason-de-etre* of this new change. Sir, with regard to giving retrospective effect to such reduction, this is not a novel thing. I refer to Section 30 of the United Provinces Agriculturists, Relief Act that was passed in the year 1934. Section 30 of that Act gives this reduction of interest retrospective effect from the 1st January 1930. In the United Provinces the reduction is made applicable and it is to operate from 1st January 1930 though the law was actually passed in the Council in 1934. Even otherwise my submission is that this House has got ample powers.

Another misunderstanding that seems to be entertained by some people is this, that this is a piece of class legislation. Sir, this is far from the truth. It is not class legislation. Of course, all that proceeds from the assumption that we have got in Travancore two water-tight-compartments, a creditor class and a debtor class. I submit that there is no such thing as many of the supporters of the amendment themselves admitted that in Travancore every person is at the same time a creditor as a well as debtor. So, who are the creditors to whom these agriculturists owe money? They are none other than the agriculturists themselves. We have two classes of agriculturists in Travancore, one with money ready in their hands to lend out and the other without

ready cash who want to rely upon their neighbours, the moneyed agriculturists, for their agricultural operations. So, by passing a measure like this, we are not discriminating, we are not legislating against one class or in favour of the other. The general benefit that will accrue from these salutary measures will be advantageous to all people, irrespective of their being debtors or creditors. So, Sir, the argument that this will work hardship on one class of people cannot hold good.

Again, there is another misconception that seems to be entertained by the learned Law Member. According to the economists what is the function of money? Money pre-eminently is only a medium of exchange. It is not property. In order to stabilise currency and in order to bring about a sort of economic equilibrium, we find that the State intervenes. Witness, Sir, the various National Recovery Acts passed by President Roosevelt of America, the farm mortgages introduced by him in order to help the agriculturists out of difficulty. In recent times, we have heard so much about the devaluation schemes in several countries. What is the object? It is to stabilise the currency. So, when there is no normal relationship between commodity and the medium of exchange that is money—when this is disturbed, the State intervenes. Sir, this measure, with this provision, is intended to restore the economic equilibrium, which has been sorely upset by the economic depression prevailing in the last six or siven years. Sir, on this ground I oppose the amendment. And before I conclude, I would refer to a passage. These are the noble words of our Gracious Highness the Maharaja contained in the memorable message sent to the members of this House on the very inauguration of the new Legislature. Sir, I refer to Volume I of the Assembly proceedings, page 5. I simply refer to one sentence in His Gracious Highness's message:—

> "I feel sure that the various interests represented by election and nomination, will realise that the world is passing through a critical period, that in Travancore as elsewhere politics are but a means to an end and that ....and the general levelling of all standards............"

Mark these memorable words "the general levelling of all standards".

Sir, I appeal to the honourable members of this House to bear in mind the noble words of His Gracious Highness and see that this modest relief is given to the Travancore ryots.

MR. M. CHIDAMBARAM PILLAI (*Commerce an Industry, South*): Sir, I beg to support the amendment. Of course, Sir, I represent the Commerce and Industry Constituency. So many hard words were said about my constituency; I am not going to defend it. For that matter I am not aggrieved either, (*Laughter*) because words break no bones. But, Sir, attempt is now being made to drive out all commercial people from this State, and the question is being discussed on the floor of this House as to what should be done with these commercial people, whether to drown them in the Arabian Sea or to drive them out of the country, the so-called capitalists who are really poor. Sir, what I would say is that these people have got the life of a cat. Even if

[Mr. M. Chidambaram Pillai.]

you drown them, they will go to Africa and thrive there. The only result will be that we would be left without help as Robinson Crusoe was left in olden days. This House must remember that Travancore owes its material prosperty to these commercial and industrial people. Let us not forget that. The 25 lakhs of acres of land now under cultivation in Travancore, we owe to these people whom we now condemn. Sir, I am also a debtor. I also sympathise with the people who have had on some occasions to enter into transactions with the people called creditors. But, that does not mean that we should forget the very simple fact that the prosperity of our country depends on our commerce and industries. It was stated that whatever be the hardship that we may impose on these people, they will not leave the country. That is a huge blunder. As a matter of fact the apprehensions caused by this Bill have already made two well-established banks leave Travancore and establish their business outside this State. Certainly we should not allow such a thing to happen. We should give all encouragements to our capitalists, to our merchants, to our financiers.

My submission is that Clause 34 of the Bill, as it now stands, is a very dangerous provision. The Law Member was very reasonable when he wanted to change it to what it was before it was amended at the second reading.

Further, as a matter of fact, this measure is more or less an economic experiment. In matters connected with economics, each one has got his own views and opinions. No two people have hitherto agreed on any economic question whatsoever. We are now going through a very exceptional period. The circumstances also are very exceptional. But that does not mean that we should go on taking leap after leap in the dark. For an extraordinary situation, one leap in the dark may be tried; that will quite suffice. But why two or three or more? Sir, I am reminded of a story which I have heard about what happened some forty years ago.

Plague broke out in Bombay or Poona. Even here efforts were made to prevent the disease entering Travancore. A Plague Hospital under a medical officer with minor qualifications, was established at Aramboly near Nagercoil, at the South Travancore frontier. The doctor waited for three or four months; he could not find a single case of plague. One day he found two coolies working in a paddy field near-by. They had swollen legs. The doctor immediately caught hold of them and wired to the authorities here that he had come across two plague patients and asked for instructions as to whether he could take them over or send them to Trivandrum. (*Laughter*) The authorities here wired back saying 'please do not send them here; keep them there'. But the doctor himself was afraid lest he should contract the disease. He locked up the patients in a room and made arrangements for their being fed with bread and milk. He went about saying that

he could not do anything for them as they were untouchables. After one month the doctor was anxious to ascertain whether the two fellows were alive or not. He had the room opened and discovered that, with all the milk and bread that he had given them, they had grown stout and strong.

Sir, after all we are only trying an experiment. Therefore it is better that we proceed very slowly in this matter. If we are going to provide for the refunding of interest that has already been paid, surely, there would be absolutely no credit whatsoever in the country.

The learned Law Member put it very clearly indeed, and that was one of those points of his which were very convincing—that in this country every one was an agriculturist, and every one was also a non-agriculturist. Who is an agriculturist? Who is not an agriculturist? Who is a creditor; who is not a creditor? Who is a debtor; who is not a debtor? That is where the whole trouble starts. Sir, commercial credit is altogether different from the credit which the agriculturist usually commands. As a debtor, I would naturally be happy if I am told that I need not pay my debts at all. I would feel extremely glad. But the difficulty will be that we have got to keep things going only by means of credit. I cannot get along for twinty-four hours without having to go to somebody or other for a loan. Those who are engaged in political life know how the elections usually cost a lot of money. In one of the elections, I borrowed a large amount of money and spent it all on the election, and ultimately lost it also. (*Laughter.*) But when the money-lender comes and asks me his money back, can I tell him I have spent your money on an election which I have lost? (*Laughter.*) That will not be fair. I know I will have to stand for election again and may have to borrow money for that. The case of the businessman is not like that of the agriculturist who can say 'I do not want your money. I will quietly cultivate my land and live upon what I can get from it.' The business man cannot manage like that. If I have borrowed Rs. 1,000 at 12 per cent and if that debt is conciliated under this Bill to my advantage, naturally, when I approach the money-lender again for a loan, he will surely remind me of the old affair. I cannot say 'let us forget the past.'

The provision is therefore extremely injurious to the interests of trade, commerce and industries in the country. Anyhow, since we have mixed together trade also with agriculture, let us scale down the rate of interest; but let us not make any attempt to get back what has already been paid. That is a great hardship and will injuriously affect all the commercial interests in the country. I therefore appeal to the House to accept the amendment of the Law Member.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, the last opportunity to speak a few words on the amendments now before the House has, so far as the non-official side is concerned, I fear, has devolved upon me, because I do not find any one else eager to speak now. I would like to remind the honourable members of this House of their

[Mr. Puthupalli S. Krishna Pillai.]

very serious responsibility in this matter. Scarcely four months have elapsed since this House, by an overwhelming majority, passed Clause 34 which is now sought to be amended. That Clause, as it is, has been the result of an amendment introduced at the second reading of this Bill. There was very heated debate at that stage. The learned Law Member himself made use of all his ingenuity and skill to see that the provision is retained as it was settled by the Select Committee. In spite of all that, it was decided to change it to what it is now. This House maintains that this was the minimum demand that the debtors would make, the minimum relief that they should get. Now, although only a few months have elapsed since then, the Law Member has come forward with an amendment asking us to go back upon our own decision. Every member of this House has got the responsibility to see that the decisions arrived at here after due deliberation, are maintained as such. It is the duty of every one of us to stand by the decision of the House. (*Mr. K. Kunjukrishna Pillai: Hear, hear.*) The opinion expressed by this House ought not to be flouted. Even now, Sir, we hear criticisms that this House is passing legislative enactments in an irresponsible manner. I am referring to the cry against the Improvements Valuation Bill. Now, if we go back upon our own decisions arrived at after due deliberation, we stand the risk of being attacked further that we did not feel our responsibility and that we did not realise fully the import of the provisions we enacted. If we are to be faithful to our own opinion, to our own decision, let us not allow this amendment to be passed.

Sir, a review lies when a new and important matter has been discovered. So far as I have been able to see and I have been able to hear from other honourable members, only two new and important things have occurred since the second reading of this Bill. One of them I discovered myself, *viz.*, the re-election of President Roosevelt.

The second thing is that there was a deputation of capitalists waiting on the Dewan. These are the two important matters, which I have been able to discover, as having transpired in the meanwhile.

PRESIDENT: The election of the President of the United States of America is not a matter before the House.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, these are the two important matters that I have been able to see. The first does not in any way weigh with us. The second does not, and need not, weigh with us because it was in the teeth of the opposition raised by these creditors that this House came to this decision. Apart from the deputation of the capitalists which waited on the Dewan and their agitation, I submit, that there was no new matter because of which this House should reconsider this Clause. We fully discussed this matter and came to this conclusion. (*Mr. A. S. Damodaran Asan: question.*) My learned friend Mr. Damodaran Asan questions that statement.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): On a point of personal explanation, Sir, I wish to say that I had no opportunity to speak on that occasion.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): No one was denied the right of speech.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I was denied that right.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I am very sorry, Sir, that he was denied that right. Anyhow that was not brought to the notice of the President.

As matters stand now, I feel convinced that every argument that might have been advanced was advanced, and every fact that could be placed was placed and considered by the House. Then where is the new point on which we are to come to a decision? As pointed out by Mr. Changanachery Paramesvaran Pillai, the learned Law Member placed at that time all arguments that he has now placed before us. The Law Member is always expected to bring forward amendments on behalf of Government. I am afraid, honourable members, when advancing arguments in support of the amendments, forget one thing, and that is the basic fact on which Government proceeded. That fact was that, long after the depression commenced, which, it is accepted on all hands, commenced in 1105, various representations were made to Government that agricultural indebtedness has become so heavy that it is impossible for agriculturists to live. The representation was that the burden had become unbearable and not that the burden would become unbearable after 1112. The Committee made the following statement:

"It is admitted on all hands that the interest had mostly remained unpaid."

It was this fact, Sir, that struck the Committee, and the honourable Law Member was also convinced of the fact. It was on the basis of this that the Committee made its recommendations. The point was that the accumulated arrears of interest had become unbearable. So they recommended that the interest might be reduced from 1105. It was not contemplated by any member of the Committee that the burden of the agriculturist will become unbearable from 1112 or for three years after 1112. That was not the position taken by the Committee. If that was the position of the Committee, I humbly submit that they would not have submitted this recommendation.

The Committee wanted to lighten the burden of interest which existed at the time the report was drafted and which continues to exist even to-day.

The Law Member advanced the argument that there are hundreds of dishonest debtors who do not want to pay interest. He asked, whether we are to legislate and protect them. I wonder where the learned Law Member had this information from. Is this an argument which will be accepted by the House which knows something about the position in the country? Is there a sufficient number of honest debtors who are unable to pay interest? I admit that there may be a few dishonest debtors who may be able to pay. This is the stock argument which

[Mr. Puthupalli S. Krishna Pillai.]

Government always advance against us. Some time ago when this House moved for a reduction of land tax the Government members said by way of objection that there are hundreds of persons who can pay and who do pay their tax, that there are several Government servants who get fat salaries and who will also get the benefit. We are not very much concerned if they also get the benefit. We always look to the interests of the majority of people. The Committee was of opinion that the majority of the people are unable to pay. If that is the opinion of the Committee, this House should be loath to attach importance to what the Law Member has said. If any dishonest debtor gets the benefit of it, let him have it. If the law can conveniently distinguish the one from the other, let that be done. But there is no possibility of doing so. Let not one innocent man be convicted rather than allow one hundred guilty persons to go scot free. Here the position is more favourable to justice being done. Let one dishonest debtor be benefited, but let not hundred honest debtors go without substantial relief. Therefore, Sir, that argument of the Law Member does not carry much weight with us.

The next argument was that this legislation is expropriatory in its tendency. This argument was advanced on the former occasion also. I do not want to dilate upon that. I only want to point out one matter. He who condemns the principle of expropriation in legislation must condemn it entirely. Now, what is the idea contained in this amendment? Is it not expropriatory in effect? One defect in the existing Clause is that it is somewhat bald in its expropriatoriness. In this particular amendment, it is rather subdued. According to the amendment, interest shall not be charged on existing and future debts for the next three years at more than six per cent. I can understand the Law Member if he has brought forward an amendment to the effect that hereafter no one shall be entitled to claim more than six per cent. interest on loans that are taken after the Regulation. If that was the position I can understand. Now, half the expropriation which my learned friend condemns is already in it. It only relates to the other half and that is the expropriation of interest for the past seven years.

It was stated that all other Legislatures condemned this procedure. Sir, Section 12 of the Mysore Act says:

> "The Court may at any time direct that the amount of any decree passed, whether before or after this Regulation comes into force against an agriculturist, shall be paid in instalments with or without interest."

Now what does the Clause mean? It confers power upon the court in regard to decrees that have already been passed and that will be passed hereafter, to direct that the amount shall be paid in instalments without interest. What does it mean? Is that legislation expropriatory in effect?

There are similar provisions of a more comprehensive nature in other acts also. I shall refer to two such enactments which deal with expropriatory provisions. One is Section 31 of the Civil Proceedure Code. My friend, Mr. Sambasiva Aiyar, while reading out that Section, referred only to two of the sub-sections. Till that Civil Proceedure Code came

into force, that is to say for about 90 years, the law was that, till the date of the institution of suit, whatever may be the time which has elapsed, only half the principal by way of interest could be recovered by the creditor. The accumulation of interest was limited to this even during the pendency of the litigation; whether it is one year or ten years it did not matter. Nothing more than *aravasi* till date of decree was the general rule. Another *aravasi* from date of decree till date of recovery and that only at 6%. Just consider what far reaching results were brought by the new Section 31 of the C. P. C. It enables accumulation of interest to twice or three times during the pendency of the litigation, even though the *aravasi* interest was reached before date of suit. This was so, not only with regard to future loans, but with regard to loans in existence about which suits were pending. The Section further provided that interest shall be calculated on the aggregate amount of all the debts at a rate not exceeding 9 per cent. This extraordinary provision was brought to favour the capitalists. What I ask therefore is, how the principle of expropriation was considered then. The present burden to some extent is a contribution made by that Section. What about the Jenmi Kudian Regulation. That came into force for the first time in 1071. On the basis of the provisions in that, every Jenmi entered into transactions with his tenants. Properties were demised on *kanapattom* on the agreement that the Jenmi shall have renewal every twelve years and a right to enhancement of michavaram. Eviction and surrender were also possible. Thousands of *kanapattom* deeds came into existence on the above basis. The principle of expropriation was not stressed when the Jenmi Kudiyan Amendment Regulation was passed. Same was the case with the Chitty Regulation Amendment Bill. Under Section 52, every foreman was enabled to postpone chitties for a period of one year. Under Section 53 of that Regulation every honest man, who paid his share of the amount anticipating that he will get back his money, was denied that amount. Many more instances, where the principle of retrospection was upheld, could be quoted. What I am aiming at is to show that it is no new principle which appears to have been discovered especially in connection with the Debt Relief Bill. Every legislation contains retrospective provisions in one way or other. Unfortunately the amendment accepted by the House last time contains a retrospective Clause in all its nakedness. If the expression 1105 is deleted out of it, the theory of expropriation could not have been advanced with much force. We were honest in our amendment and that is the only mistake about it.

The Law Member stated that the Conciliation Board is the only salvation for the debtor. It was contended by him yesterday that they should be tried as experiments. He also said that we would be risking a good deal if we place too much reliance on the various provisions of the Relief Bill. The non-officials contended that, if that is so, the Board must be made available to all the debtors enabling them to present the case before that tribunal. We demanded that justice be done to all debtors. The Law Member said no. It could be given only in small doses according to him. To-day his arguments have

[Mr. Puthupalli S. Krishna Pillai.]

entirely changed. He says that, now that the debtors have been given the Boards that they desire, nothing more could be given as it would offend the principle of retrospection and expropriation. Let us not twist our argument in this manner.

In conclusion my submission is that the Clause which is now sought to be deleted does not offend any legal principles so far as I can see. It completely offends the morals of the House in the sense that the House is now called upon to go back upon the decision once arrived at scarcely three months ago. It appears to me that this move is as a result of the agitation of the creditors and some newspaper criticisms read out by the Law Member. Those circumstances ought not to weigh with us now. What the Government are expected to do is to lighten the burden of the agriculturists that is recognised as heavy. That is not achieved by lightening the burden that will hereafter come into existence. It is his past burden that requires relief and that is what is embodied in the Committee's recommendation. With these words I oppose the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) Sir, I am afraid that although many speeches have been made in opposition to my amendment, the real point I urged has not been canvassed at all except by one or two. Even they did not try to meet my argument; there was only a mere denial. I agree with everybody in this House that every agriculturist who deserves relief should be helped, and I am prepared to give it. There is no need of any argument on that point; for, on that point there is no difference at all. What I urged was that Government ought not to extend relief to that agriculturist who is really able to pay his debts, it being admitted that he who is unable to pay up his debts requires relief. This was my point and no honourable member has met it. Mr. E. V. Krishna Pillai said that *every* debtor is unable to pay and Mr. Changanachery Paramesvaran Pillai said that every debtor must be given relief irrespective of his ability to pay up his debts. This is no doubt a reply, but does not represent the view expressed by the majority of the speakers who spoke on this motion. However, I shall deal with them. First, in regard to what Mr. Changanachery Paramesvaran Pillai said. It will be interesting to recall what he said on a Debt Relief Proclamation. In 1935 a Royal Proclamation relieving the agriculturist debtors against execution for decree debts was issued. When the Assembly met after that, an adjournment motion was tabled to discuss it. The criticism then levelled against the Proclamation was that the Government did not discriminate between an agriculturist who was able to pay and one who was not able to pay his debts and that the Proclamation extended relief to *both* alike. This point was pressed by Mr. Changanachery Paramesvaran Pillai too, and in answer to a specific question from me he said that relief should be given only to deserving agriculturists who are unable to pay up their debts and that a distinction should be made between one who is able to pay and one who is unable to pay his debts. This may be seen from the debates of 23rd May 1935. That is

exactly my position to-day. When Government take that position, then Mr. Changanachery Paramesvaran Pillai would dissent, even though it was his own view a few months ago. Everybody can change views. There can be no doubt about it. But it is surprising that on an identical subject-matter there should be such a *volte face*. He must have his own reasons for it. I will not dig into them. I will only throw his own words at his face and ask him to eat them if he dares do so. Then in regard to Mr. E. V. Krishna Pillai whose point was that every debtor is unable to pay. If that be so, I simply ask him, "Go to a Conciliation Board and prove it, and you will get reduction of interest ultimately". I do not deny relief to anybody. I am for giving relief to everybody, even to the planters as well. I am quite prepared to extend relief to the small debtor and to the big debtor provided he is not a rich debtor. By rich debtor I mean one who is really able to pay up his debts, one whose debts are well within the limits of his assets. The real question that I asked was, if a debtor be a rich debtor, why allow him a reduction of interest retrospectively. It is to that question that I wanted an answer.

PRESIDENT: The House will now adjourn to meet again to-morrow at 11 A. M.

The House adjourned at 4-47 P. M.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Mulam Assembly.

PROCEEDINGS
of
THE TRAVANCORE SRI MULAM ASSEMBLY.

(*OFFICIAL REPORT.*)

FIRST ASSEMBLY.

NINTH SESSION.

Thursday, the 19th November 1936/4th Vrischikam 1112.

The Assembly met again in the Victoria Jubilee Town Hall at Eleven of the Clock, with the President in the Chair.

PRESIDENT : I owe an explanation to the House. It was not brought to my notice that there was an amendment of the Standing Orders, about the House rising at 5 o' clock, and that is why it was adjourned at half past four yesterday.

QUESTIONS AND ANSWERS.

Primary School in Ramangalam.

41. ***MR. K. M. KURIAKOSE** (*Muvattupuzha II*) : Will the Government be pleased to state :

(*a*) the strength in the various classes of the Maneed Vernacular Primary School in Ramangalan *pakuthi*, Muvattupuzha taluk, and the divisions, if any, in each class ;

(*b*) whether there is proper accommodation in the above school ; and

(*c*) whether it is true that the said school got the prize-shield for gardening in 1111 ?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*) :

(*a*) Class IV	...	37
Class III	...	49
Class II	...	98
Class I A	...	48
Class I B	...	44
Total	...	276

(*b*) No.

(*c*) Yes.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : With reference to answer to part (*a*) may I know the maximum number of students that can be handled by any teacher ?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*) : It varies in different schools according to the exigencies of accommodation.

G. P. T. 1472 350. 24-6-1112.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I have at least an approximate idea according to the rules?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): According to the rules it should not exceed 50.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Then may I know how in class 2 the teacher can handle 98 students?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): That is a surprise for me also, Sir. We have to consider the exigencies of accommodation.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I take it that the Director will please take immediate steps to rectify this evil?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Yes, Sir, steps are in progress.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): With reference to answer to part (*b*) may I know what steps are taken to provide suitable accommodation?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): It is proposed to put up a temporary shed with the co-operation of the general public.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether the member is aware that the school itself was built by the general public and handed over to the department?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I accept the honourable member's information.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether the member is aware that this is the only school for more than six *karas* in the *pakuthy*?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I am not quite sure. But I am prepared to express my gratitude to the honourable member for the information supplied by him if it is correct.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): With reference to answer to part (*c*) may I know whether the department contributed any item of expenditure incurred by the school authorities?

MR. C. V. CHNDRASEKHARAN (*Ag. Director of Public Instruction*): The department contributed the shield.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether the department contributed anything for the work of the garden?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): No, Sir.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether this shield is a permanent one or a rotating one?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): That has not been decided.

MR. K. R. ELENKATH (*Kalkulam I*): May I know from the member whether the want of accommodation was brought to the notice of the Director?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Yes, it has been brought to my notice and action is being taken.

Acting Graduate Teachers.

42. *MR. A. S. DAMODARAN ASAN (*Mavelikara*): Will the Government be pleased to state:

(*a*) the names of the acting graduate teachers with more than seven years' acting service in the Education Department still acting in temporary vacancies;

(*b*) whether, in confirming acting teachers or in appointing them in permanent vacancies, the duration of the acting period and the date of first entertainment are taken into consideration; and

(*c*) whether any acting teacher with shorter service than those referred to in part (*a*) has been confirmed or appointed in permanent vacancies, and, if so, the reasons for the same?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*):

(*a*) Nil.

(*b*) No.

(*c*) This does not arise, in view of the answer to part (*a*).

MR. A. S. DAMODARAN ASAN (*Mavelikara*): With reference to answer to part (*a*) may I know the names of the acting graduate teachers with more than seven years' acting service and who are still acting in temporary vacancies?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): There are about 20 names.

MR. A. S. DAMODARAN ASAN (*Mavelikara*); With reference to part (*b*) may I know whether there is any other standard adopted for the purpose of confirmation other than the date of first entertainment and the duration of the acting period?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): The fact is that by the application of several principles a seniority list has been prepared in the department. Appointments are made in permanent vacancies in accordance with the rank in the seniority list.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether in fixing the seniority list the date of first entertainment and the total acting service of the particular incumbent are considered.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I shall read to the member the rules regarding the preparation of the seniority list if that will satisfy him. The following principles have been followed with the approval of Government in the preparation of the seniority list:—

(1) Date of first appointment to the second grade;

(2) Date of first appointment as acting graduate teacher or date of graduation while in continuous service whichever is earlier;

(3) Graduates who have not substantive posts but who are acting in graduate scale and who hold permanent places on non-graduate scales, and so on. In accordance with these principles the seniority list has been prepared.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I wish to know whether when persons who have been entertained in the same grade with the same qualifications are to be confirmed the date of first entertainment is to prevail?

MR. C. V. CHANDARASEKHARAN (*Ag. Director of Public Instruction*): Yes, Sir.

The Karipoor Trace.

43. ***MR. S. J. NAIR** (*Nedumangad*): With reference to question No. 42 at the Eighth Session of the Assembly, answered on the 29th July 1936, will the Government be pleased to state:

(*a*) why 1½ miles road alone out of 3½ miles distance been completed and the remaining 2 miles are left incomplete;

(*b*) whether the investigation for the completion of the remaining 2 miles that was said to be in progress was completed;

(*c*) if the answer to part (*b*) is in the affirmative, what is the amount of expenditure to execute the work; and

(*d*) if the answer to part (*b*) is in the negative, why delay is caused in completing the investigation?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) This portion demanded preference as the people sought accommodation on both sides of it.

(*b*) Yes.

(*c*) About Rs. 5,400.

(*d*) This does not arise.

MR. S. J. NAIR (*Nedumangad*): With reference to answer to part (*b*) may I know when the investigation was completed?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I claim notice.

MR. S. J. NAIR (*Nedumangad*): May I know from the Government why the work was not expedited after the investigation was over?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Due to shortage of funds.

MR. S. J. NAIR (*Nedumangad*): May I know from the Government whether they intend executing the work at any time?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): That is a question of future action.

MR. S. J. NAIR (*Nedumangad*): May I know whether the construction of the bridge on that road has been completed?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): No.

MR. S. J. NAIR (*Nedumangad*): Sir, before my question was completed the Government member said "No"

PRESIDENT: The honourable member may repeat the question more slowly and wait for the answer.

MR. S. J. NAIR (*Nedumangad*): May I know whether the bridge that existed in the portion of one and a half miles that was completed has been removed from there?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The bridge was of cocoanut post erected for the convenience of the coolies engaged in constructing the road. That bridge has decayed and fallen down. An estimate has now been sanctioned for the construction of a permanent bridge there.

Fee Concessions to Muslims.

44. *MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Will the Government be pleased to state whether the Government or the Director of Public Instruction, has issued instructions to the effect that the new converts to Islam should not be given the fee concessions or other privileges enjoyed by Muslim students in general in the educational institutions in the State?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Yes.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): May I know at whose instance these instructions were issued?

PRESIDENT: Will the honourable member please raise his voice?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Instructions were issued by the Director of Public Instruction on the basis of the principle enunciated by the Government.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): May I know what were the reasons that compelled the Government to adopt this course?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): The underlying object of the fee concession scheme is to assist communities which are backward economically and educationally. It is not meant to give assistance to religious organisations in the work of proselytisation.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): May I know from the member whether similar instructions are issued in the case of converts to other communities also?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Yes, Sir, it applies to all conversions.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): May I know how many cases of new conversions to Islam seeking fee concession has been brought to the notice of the Director?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I remember two cases of Ezhava pupils who had become Muslims claiming concession.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): May I know whether that was the reason why this step was taken?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): The principle was enunciated more than ten years ago.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Is the member aware that there is wide spread feeling of discontent in the Muslim community on account of this?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I am not aware.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know on what consideration fee concession is given? Is it with regard to the religion to which the applicant belonged previously or to the present religion?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): That is a very complicated matter. If Mr. Abdur Rahiman Sahib's suggestion is adopted the problem of Mr. Abdullah Ghandi, if he happened to be a student in Travancore, will be very difficult. For the purpose of fee concession the community to which the pupil originally belonged will alone be considered.

Posting of Vernacular School Teachers.

45. ***MR. T. KRISHNA PILLAI** (*Neyyattinkara II*): Will the Government be pleased to state whether they are aware that in spite of instructions from them that vernacular school teachers should be posted, as far as possible, in or near their native villages, a large number of them are not given the benefit of these instructions?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): The answer is in the negative.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Am I to understand that almost all the vernacular school teachers are posted in their native places?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): There are grievances, but we do our best.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether instructions are issued to the effect that primary school teachers, as far as possible, should be posted in or near their native places?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): A circular to that effect has been issued by the Director.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether any complaint has been received by the Director saying that the teachers are not transferred to their native places?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): As I said there are complaints and grievances as there is such a large number of teachers. But we are trying our best to post primary school teachers to the localities to which they belong.

Mamam River.

46. ***MR. S. NILAKANTA PILLAI** (*Chirayinkil II*): With reference to the Mamam river, will the Government be pleased to state whether there is a proposal to straighten or widen the course of the river from just below the Mamam bridge?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Yes.

Control of Traffic on main trunk roads.

47. ***MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) whether they have recently constituted a committee for submitting to the Government the recommendations for controlling and regulating the traffic on the main trunk roads, *etc*;

(*b*) the members appointed to work on the said committee; and

(c) the object with which this committee has been constituted?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (a), (b) and (c) *A copy of a Press Communique published on the subject is placed on the table. It contains the information asked for by the member.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the Government whether there is any non-official member on the Board?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): No, Sir. It is a departmental committee.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know the reason why no non-official has been appointed?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): As I said, it is purely a departmental committee. Government considered the question of appoining non-officials, but they thought it was not necessary as it was only a departmental committee to advise the Government.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know the number and value of buses and lorries owned by private individuals which are now used for traffic on public roads?

MR K. MADHAVA KURUP (*Ag. Secretary to Government*): I claim notice.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether the Banking Enquiry Committee has recommended the constitution of such a Board?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The member is right.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know the nature and the suggestions made by the Banking Enquiry Committee with regard to the constitution of the Board?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The recommendations made by the Banking Enquiry Committee with regard to the Motor Transport Industry, whatever they be, will certainly be considered by this committee.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): My question is with regard to the nature of the recommendations with regard to the constitution of the Traffic Board.

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): I am afraid the member is labouring under a misapprehension. It is only a departmental *committee* to advise Government with regard to the measures for the co-ordination of transport. What the member refers to is the Transport Board for the regulation of traffic after the scheme is settled.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know what are the steps taken by the Government on the recommendations of the Banking Enquiry Committee with regard to the constitution of the Board?

**Vide* Appendix—pages 185 and 186.

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The member *may view* this as one of the steps in pursuance of that.

Cultivation of Tobacco in Travancore.

48. ***MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) whether they have considered the question of allowing the people to start tobacco cultivation in the State; and

(*b*) the decision, if any, arrived at in the matter?

MR. C. O. MADHAVAN (*Excise Commissioner*): (*a*) Yes.

(*b*) Draft rules for regulating the cultivation of tobacco in Travancore are under the consideration of Government.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the Government the extent of the loss of revenue under tobacco in 1110?

MR. C. O. MADHAVAN (*Excise Commissioner*): I may confess that I don't understand what the honourable member means by loss.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I mean the amount of decrease in revenue as compared to 1110?

MR. C. O. MADHAVAN (*Excise Commissioner*): I refer the honourable member to the Administration Report supplied to him.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from Government member whether he is now able to supply the figure?

MR. C. O. MADHAVAN (*Excise Commissioner*): The information is supplied in the Administration Report for 1110 which I have not got with me now.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from Government the reason for the decrease of a lakh and ninety-three thousand rupees under revenue from tobacco?

MR. C. O. MADHAVAN (*Excise Commissioner*): Consumption varies from year to year. The purchasing power of the people has declined very much owing to economic depression. Moreover, there are ever so many factors which cause variation in the consumption of tobacco.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from Government whether the fall was due to decrease in consumption as a result of a rise in the price of foreign tobacco?

MR. C. O. MADHAVAN (*Excise Commissioner*): It was partly due to that cause also.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the member the reason for the rise in the price of foreign tobacco?

MR. C. O. MADHAVAN (*Excise Commissioner*): It was reported that there was a failure of crop in Coimbatore, hence the price of tobacco rose higher.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): With regard to the answer to part (*d*) of the question, may I know whether Government have passed the final rules?

MR. C. O. MADHAVAN (*Excise Commissioner*): The rules have not been finally passed. They are under consideration with Government.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know the date on which the draft rules were published in the Gazette?

MR. C. O. MADHAVAN (*Excise Commissioner*): July 1935.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know the reason why the rules were not finally passed?

MR. C. O. MADHAVAN (*Excise Commissioner*): Sir, I submitted the draft rules to Government and the Government referred the rules to their law officers which resulted in some new proposals. The references between the law officers, the Government and the Excise Commissioner take time.

MR. T P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether the Government have ascertained the approximate extent of land suitable for tobacco cultivation?

MR. C. O. MADHAVAN (*Excise Commissioner*): We have not ascertained the extent of land. But we know there is land suitable for tobacco cultivation.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know from the member whether he has ascertained the causes that have led to the fall in revenue?

MR. C. O. MADHAVAN (*Excise Commissioner*): Sir, I think, I have answered that question.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, the Excise Commissioner has said that it was due to a number of causes. My question is whether the Excise Commissioner has ascertained the causes that has led to the fall in revenue?

MR. C. O. MADHAVAN (*Excise Commissioner*): Sir, the causes which I have mentioned were found out as a result of enquiry.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know from the member whether the number of smuggling cases detected is on the increase or decrease?

MR. C. O. MADHAVAN (*Excise Commissioner*): They are on the ncrease. This is due to the economic depression. More people are taking to the smuggling of tobacco from Cochin to Travancore.

Collection of fees in Schools.

49. ***MR. K. M. KRISHNAN** (*Ambalapuzha II*): Will the Government be pleased to state:

(*a*) whether fees in Sirkar schools are being collected in British rupees, annas, pies or in Sirkar rupees, chackrams, cash;

(*b*) whether they are aware that, in any aided school in the State, fees are being collected in British rupees, annas, pies; and

(*c*) if the answer to part (*b*) is in the negative, will they be pleased to ascertain whether any aided school in the State is collecting school fees in British rupees, annas, pies?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*):

(*a*) Both.

(*b*) Yes.

(*c*) This does not arise in view of the answer to part (*b*).

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know from Government whether school fees fixed for particular classes do vary in aided schools?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): The school fees fixed for departmental schools and the private schools follow the same rate. The private schools usually follow the same rate but in some cases long established practice or usage allows them to levy fees slightly different from the fixed rate.

MR. A. THANU PILLAI (*Trivandrum-Rural*): With regard to part (*a*) of the answer may I know from the member whether he refers to kind or amount?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I have answered the question with reference to coin.

Cattle Farms.

50. ***MR. K. M. KRISHNAN** (*Ambalapuzha II*): Will the Government be pleased to state:

(*a*) whether there are any cattle farms in the State maintained by the Government; and

(*b*) if so, how many and where?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (*a*) Yes.

(*b*) Only one. The Cattle Farm at Trivandrum.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know the number of cattle kept in the Cattle Farm?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): There are 57 head of cattle of various breeds

MR. K. M. KRISHNAN (*Ambalapuzha II*): When was the Cattle Farm started?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): About 24 years ago.

MR. A. EASWARA PILLAI (*Kalkulam II*): May I know whether the Cattle Farm is maintained for demonstration only?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): That is one of the objects.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know whether the Cattle Farm exists as a Cattle Farm or a Dairy Farm?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): It exists as a Cattle Farm and as a Dairy Farm?

MR. A. THANU PILLAI (*Trivandrum-Rural*): Then what is the meaning in saying that it is a Cattle Farm?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): It serves also the purpose of a Cattle Farm.

MR. A. THANU PILLAI (*Trivandram—Rural*): May I know from the member whether the Government make a distiuction between a Cattle Farm and a Dairy Farm?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): They do make a distinction. Originally it was mainly a Cattle Farm, now it is run as a Dairy Farm.

The Minor Irrigation Department.

51. *MR. K. M. KURIAKOSE (*Muvattupuzha II*): Will the Government be pleased to state whether there is any proposal before the Government for abolishing the Minor Irrigation Department?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No.

MR K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether Government are considering the question of revising the Minor Irrigation Rules on account of the impracticability of working the scheme?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes, Sir.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): How long since was it under the consideration of Government?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): When the Minor Irrigation Department was formed the Chief Engineer was told that he should send up proposals for amending the Minor Irrigation Regulation and the rules thereunder.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether Government are convinced of the impracticability and the uselessness of the department?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): What was the necessity of revising the rules?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The rules require revision. That does not mean that the department is useless.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Are the rules going to be revised thoroughly or only slightly amended?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The rules will be revised wherever necessary.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know from Government whether the Minor Irrigation Department is not functioning?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes, Sir, it is functioning.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know from the member whether he is aware that the work done by the department is not even equal to the pay that the several officers are drawing?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): It is a new department formed very recently. Investigations had to be made and estimates prepared by the department which took sometime and actual work will be turned out in a larger measure hereafter.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know from Government whether they have received complaints from officers of the department to the effect that the rules make it difficult for the work to be carried out?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Government have not received any such complaint.

MR. S. J. NAIR (*Nedumangad*): For whose benefit was the Minor Irrigation Department formed?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): It was formed for the benefit of the cultivators.

MR. S. J. NAIR (*Nedumangad*): May I know why that department has not been brought under the Land Revenue Commissioner?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Government did not think it necessary to do so.

MR. S. J. NAIR (*Nedumangad*): Are the Government aware that the department as constituted at present is not at all beneficial to the interest of the cultivators.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir.

MR. S. J. NAIR (*Nedumangad*): Will the Government look into the question that the department is functioning uselessly and it must be made to function so as to be of use to cultivators?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): There is no necessity to look into the question because the Government are not aware of the uselessness of the department.

MR. S. J. NAIR (*Nedumangad*): Is there any objection in placing that department under the control of the Land Revenue Commissioner?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Legitimately this department must be under the Public Works Department and not under the Land Revenue Department.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether the department is to operate in a particular area of the State or throughout the State?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The department operates throughout the State except in South Travancore which is served by the Kodayar Project.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether there is any separate officer appointed to look to the minor irrigation works in the areas served by the Kodayar Project?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The officer in charge of Public Works is in charge of the Kodayar Project also.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether Government are aware that due to the want of a responsible officer to look exclusively to this work the ryots are put to difficulties?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I don't think that any serious hardship is being experienced by the ryots. There may be some complaints here and there.

Muslim Lady Graduate teacher.

52. ***MR. N. ABDUR RAHIMAN SAHIB** (*Nominated*): Will the Government be pleased to state:

(*a*) whether there is any Muslim lady graduate teacher in the Education Department at present; and

(*b*) what is her total service?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): (*a*) The answer is in the negative.

(*b*) This does not arise in view of the answer to part (*a*).

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): May I know from Government whether there was a Muslim lady graduate teacher in the Education Department?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Yes, Sir.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): What is her total service?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I am not quite sure. I think a few months.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): May I know whether she was sent for the L. T. course with the understanding that she will be re-entertained?

MR. C V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Yes, Sir. The department is waiting for her passing the L. T. examination.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Is there any rule that one must pass the L. T. examination to get a teacher's post in the department?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): No rule, Sir. She insisted on observing purdha. We sent her to the Lady Willingdon Training College in Madras on a stipend of Rs. 50 per mensem but she failed in the L. T. Examination.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Is the member aware that she is the only Muslim lady graduate in the whole of Kerala?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Yes, Sir.

The Franchise Question

53. *MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) whether they had received representations from the public or public bodies to the effect that final orders on the franchise question should be passed only after giving an opportunity to the public to express their views on the Franchise Report; and

(*b*) if the answer to part (*a*) is in the affirmative, the action taken by them on the same?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) Yes.

(*b*) The Government did not think it necessary to publish the report.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from Government whether they have taken any action on the representation made by the people and whether they have published their proposals with regard to that?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Government did not think it necessary to publish the report and invite public criticism. The representation was recorded.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from Government the reasons which weighed with Government in not giving an opportunity to the public to be in the know of things?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): By taking into consideration all the circumstances Government thought that it was not necessary to publish the report.

Classification of roads for bus service.

54. *MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) whether there has been any classification of roads, according to the heavy and light bus traffic thereon, made by the P. W. D. or the Traffic Superintendent; and

(*b*) the date, nature and details of such classification, if any?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads Buildings and Irrigation*): (*a*) Yes, by the P. W. D.

(*b*) (1) Date 1-9-1930. (2) The classification is made on the basis of maximum weight that can be permitted on a road. (3) As regards the details of classification, the member is referred to page 20 of the P. W. D sheet of the Government Gazette dated 9-9-1930.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Sir, before asking supplementary questions I wish to raise a point of order. In answer to part (*b*) it is stated "as regards the details of classification, the member is referred to page 20 of the P. W. D. sheet of the Government

Gazette dated 9-9-1930" Is it right on the part of the official member to refer another member to a document which he has not been supplied with?

PRESIDENT: The honourable member's question refers to the date, natur and details of such classification, if any. It is a course open to the head of the department to copy the P. W. D. sheet of the Government Gazette and to supply him with that. But as the honourable member is keenly interested on the subject, the official member knew that he would be in possession of all the information. So he referred him to the departmental sheet of the Gazette itself. Nowwhat is the point of order?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Sir, is it in order for the official member to refer another member to a document that has not been supplied? I have no time to make any reference to that.

PRESIDENT: Order, order. Is it the honourable member's point that he cannot find the document at this time? Do you mean from that seat? Does the honourable member think that he cannot get this document sitting where he does, or that he has applied for it and did not get it? If that is so the matter is worth looking into.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I point out that I am unable to ask any supplementary questions with regard to the details of classification.

May I know from the Government whether one and one and a half ton buses are declared as heavy or light motor vehicles under the Rules?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Sir, the buses are grouped as one and a half, one, three-fourth, and half ton buses and accommodate 24, 20, 16 and 9 persons respectively. Usually the one and a half ton bus is styled as heavy.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): My question is whether, under the rules, the one and one and a half ton buses are declared heavy or light?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I cannot say that we have declared any particular bus as heavy. We have not made any definite statement. Usually we speak of the half ton buses as light and the one and a half ton buses as heavy.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether the Chief Engineer has in his letter, dated 13-5-1933 No. 750, permitted one ton bus plying from here in the Quilon-Alleppey road.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I believe it may be so. I am not in possession of the letter now.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether the Quilon-Alleppey road was declared fit for one and one and a half ton buses?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I believe at one time special permission was granted limiting the number of passengers to 16.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether the permits of one and a half ton buses on the Quilon-Alleppey roads have been subsequently withdrawn.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Yes.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know the reason for doing so?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): They were found too heavy for the road.

The Revenue Settlement Memorandum.

55. *MR. M. MAHOMED HANEEF (*Nominated*): Will the Government be pleased to state whether they have taken any action on the Revenue Settlement Memorandum submitted by the Special Officer Mr. N. Nilakanta Pillai, the retired Division Peishkar?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The Revenue Settlement Memorandum submitted by Mr. N. Nilakanta Pillai is under the consideration of Government.

MR. K. R. ELENKATH (*Kalkulam I*): May I know the date on which Mr. Nilakanta Pillai submitted his memorandum?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): In August 1934.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether the Government are contemplating a reconsideration of the Memorandum in the near future?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): It is under consideration.

MR. K. KUNJUKRISHNA PILLAI (*Quilon II*): May I know whether Government have received any representation that the Settlement should be undertaken at once or within a short time?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether Government will take this matter very urgently?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I have stated already that it is now under consideration and Government have not decided whether it is to be treated as urgent or not.

Appendix

Vide Answer to Question No. 47.

COMMUNIQUE.

The Government of Travancore are convinced that for the speedy recovery and growth of trade and as a condition precedent to agricultural and industrial prosperity, a reorganisation of the system of transport in the State is urgently called for. The improvement of the waterways, making full use of the natural facilities afforded by the backwaters and canals and the employment of motor tugs and motor boats for speeding up the conveyance of passengers and goods are a prime necessity and the cheapness of this system of transport is a great factor in its favour. In practically every part of the State that is not served by waterways and as a parallel development, a very widespread net-work of roads is in existence and all that is necessary is to ensure the safety and comfort and the business needs and personal convenience of the passengers by means of a well-designed and co-ordinated system of motor vehicles which will be run in the interests of the people and the commerce of the State.

While it is not the policy of the Government to fetter or stifle private enterprise, they are nevertheless of opinion that, following the example of many countries which have tried various systems, it is the duty as well as the right of the Government to take into its own hands the control and regulation of public conveyances along the main trunk roads and in other selected localities in the State and to improve and organise the waterborne traffic, provided that care is taken to avoid some of the disadvantages which are often present in the case of State management of such enterprises. Such a step will not only conduce to the advantage of the people but will, directly and indirectly, enable Government to deal with the problems of unemployment and industrialisation; firstly, by gradually bringing into existence a set of trained engineers, mechanics and artisans; secondly, by stimulating the growth of many industries and trades allied to motor engineering and motor body building and by helping in the utilisation of some of the products of the State including rubber, coir and many varieties of wood; thirdly, by introducing, in course of time, the railless electric trolly system which is proving to be one of the cheapest and most efficient means of transport organisation, whose potentialities may be gauged from the circumstance that Travancore imports about fifty lakhs worth of petrol every year; and finally, by helping in the creation, as a necessary sequel, of a Technological Institute which will serve not only the motor industry but other industries which are expected to come into existence in the State as soon as cheap power becomes available as a result of the Pallivasal Scheme.

With this end in view, the Government are pleased to constitute a departmental committee consisting of the Chief Engineer, the Electrical Engineer, the Director of Industries, the Police Commissioner,

the Head Sirkar Vakil, the Additional Head Sirkar Vakil, the Financial Secretary and the Secretary to Government in the Development Department. The committee will start work as soon as possible and report by the end of the year on the scheme indicated above and the best means of initiating it with due regard to all the interests concerned.

(Sd.) N. KUNJAN PILLAI,
Chief Secretary to Government.

Trivandrum,
20th October 1936.

(True copy)

LEGISLATIVE BUSINESS.

THE TRAVANCORE AGRICULTURISTS' RELIEF BILL—(*contd*).

Clause 34—(*contd*).

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, when we rose last evening I was telling the House that the most important point to be considered in the determination of the question now before the House was whether Clause 34 as it is now in the Bill is not intended, or at any date does not operate, for the benefit only of the rich debtor. By the rich debtor I mean that debtor who is really able to pay the debts out of his assets. I do not treat the planter as a rich debtor merely because he is a planter. The point to be considered is whether there should be any provision which is intended merely for the benefit of the rich debtor. I do not object to any benefit being conferred on the rich man too provided that it does not result in unmerited disadvantage to another man. What the House has to decide is whether it is necessary to put in an expropriatory provision which is only for the protection of the rich debtor? When there is another provision, which operates to give this retrospective reduction in the case of a *poor* debtor I ask what is the purpose of this new provision in clause 34 unless it is to be for the benefit of the rich debtor only. It is worth considering why, while we have already a provision in Section 19 which can be availed of by the poor debtor, there should be a provision like Section 34 with retrospective effect.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the Law Member's amendment itself makes any distinction between the rich debtor and the poor debtor?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, Sir, my amendment does not, for the simple reason that it touches only future interest which is sought to be limited to six per cent. As for the matter of that, we have the century old law which limits interest to 12 per cent and that does not make any distinction between the rich and poor debtor. My provision is analogous and would operate only for a future three years. And it is not expropriatory

in any sense. The Clause as it now is in the Bill is intended for the rich debtor only. That is what I want to make out.

MR. K. C. ABRAHAM (*Kottayam II*): Does this provision apply to every person?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am glad that Mr. Abrahan is coming round to my point of view. When Section 19 is there and will enable the poor debtor to prove his inability and claim reduction of past interest exactly as Clause 34 contemplates, what is the purpose of Clause 34 unless it be to profit the man who is able to pay his debts.

MR. K. C. ABRAHAM (*Kottayam II*): Why not Section 34 be scraped altogether?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is exactly what I propose. I want to lay down another rule to operate for the future only.

MR. K. R. ELENKATH (*Kalkulam I*): In view of the amendment to Clause 3 which has been passed whether facility is given to the Conciliation Board?

MR KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. The real point is that the rich debtor is not prepared to face the Conciliation Boards.

MR. K. C. ABRAHAM (*Kottayam II*); Is there any large section of the agriculturists who are not prepared to go before the Conciliation Board?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, Sir, unless he is afraid of disclosing his assets. Sir, I have been pointing out too that this provision in Clause 34 is expropriatory. One honourable member cited a number of statutes to say that this is not expropriation. By expropriatory provision we really mean that the Law by itself, of its own, deprives a man of his property. Further, I am sure that the honourable member who quoted these statutes will note that wherever there was expropriation, there was also a compensation for it. Here I contend that there is not even a pretext, or a shadow of compensation.

Sir, it was argued that even conciliation is expropriation. No, it is not. It is perfectly voluntary and by conciliation, the legislature is not taking away any property from the person who holds it. The property will be lost to him only when he *agrees* to the conciliation.

Sir, reference was made to the Agricultural Debt Redemption Committee's proposals. It was stated that they proposed reduction of interest with effect from 1105. But the members who cited that forgot or overlooked the fact that the Committee had put a condition to this recommendation and that may be seen on page 66. "The Committee propose that this concession rates should be available only to those who pay the rate within a fixed date fixed by the Government". On this Clause, I remember that Mr. Sambasiva Aiyar brought in at the second reading

[Mr. Kayalam Paramesvaran Pillai.]

of the Bill an amendment to make this provision, namely that this reduction of interest should be available only to the man who was prepared to pay down the reduced interest. That was rejected by the House. Further the A. D. R. Committee made certain exceptions as regards banks and such other bodies. The original Bill that was introduced in this House did not contain any provision for the reduction of interest from 1105, whether with conditions or without conditions, and whether in favour of the rich debtor or the poor debtor. When the Bill went before the Select Committee of this House they wanted to make provision for the reduction of interest from 1105. I shall not disclose the discussions that took place in the Select Committee. The question must have naturally arisen there as to who should get the benefit of such retrospective reduction of interest. They must have found that the poor debtor must get the benefit and it was not practicable to saddle him with conditions. Therefore apparently the Select Committee put in the provision that we now find in Clause 19 ; and in accepting it the Government have practically accepted the suggestion made by the Debt Redemption Committee. The benefit of Clause 19 is clearly available to the poor debtor. Why then make another provision to help the rich debtor who is really able to pay ? It was out of respect to the Select Committee that the Government accepted the provision contained in Clause 19; that was not originally their idea to have such a provision in the Bill.

MR. K KUNJUKRISHNA PILLAI (*Quilon I*): No question of any distinction between the poor debtor and the rich debtor was brought in before the Select Committee of which I was also a member. It is an incorrect statement, a mis-statement, that the Law Member is now making to misguide the House.

PRESIDENT : I take it that honourable members on both sides of the House are aware that what passed in the Select Committee is not to be referred to here.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I was explaining the purport of the Clauses introduced by the Select Committee as anybody may read them and make inferences. I am not privileged, I am not entitled to refer to what actually took place in the Select Committee ; if that were permissible I would challenge Mr. Kunjukrishna Pillai.

PRESIDENT : Order, order.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, the object of the Select Committee could have been only that the poor debtor should get the benefit of the retrospective reduction of interest, and not the rich debtor who is able to pay but who does not apparently want to pay. It was only later, in this House, that those who were responsible for the provision now in the Bill, wanted to extend the same benefit to the rich debtor also.

In regard to the expropriatory nature of the provision, the chief defect is that it is highly unjust to the creditor. Even assuming that

the individual creditor may be compelled to put up with it, there is the larger question of public interest because the credit within the country will suffer. As I said yesterday, immediately after this Clause was passed, the creditor class was up in alarm. It must not be understood that I am in any way suggesting that the Government were intimidated by them. I am referring to it only to show that the creditors must have honestly felt alarm in that they could not bear this unconditioned reduction of interest. I do not think anybody will question the honesty of these people. It may be said that they are misguided, heartless and cruel and all that ; but certainly, they are not dishonest. That shows the effect of the Clause on the creditor classes. It is clear that if we allow this provision to stand, none of them would in future be prepared to trust anybody else with their money. Mr. E. V. Krishna Pillai asked—'They have plenty of money. What will they do with it ? They will be obliged to lend.' A scholar like Mr. E. V. Krishna Pillai need not be told ലക്ഷ്മീശ്ചഞ്ചലാ; that is known to everybody. Travancore is a small part of the world and there is ample room elsewhere for all this capital Mr. Chidambaram Pillai gave direct evidence that capital had already begun to fly away from Travancore. Credit is very important to every country, particularly to Travancore at the present moment. Agriculture has ceased to be a paying proposition. Some kind of subsidiary occupation has become an absolute necessity for the agriculturist and that has to be found. As the House knows, Government are taking steps to industrialise the country. Credit has therefore become even more necessary now than it was till now. We must have somebody to finance the agriculturist in his subsidiary industry or other occupation. Without that, where is the industry and where is the occupation?

MR. S. J. NAIR (*Nedumangad*): May I ask whether, in Travancore, at any time, the bankers have financed the agriculturists ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I should not be surprised if they refuse to do so if it so happens that this Clause is retained.

In my first speech itself, Sir, I tried to explain how this provision is not really useful to the bulk of the debtors, since any amount of reduction in the interest alone would not afford them adequate relief. They stand in need of the principal itself being cut down considerably. This provision will benefit only the rich debtor who is really able to pay but is not willing to pay. Sir, the sponsors of this provision, while benefiting the rich debtor, are doing their worst to the poor cultivator. That has been very clearly explained by Mr. T. P. Velayudhan Pillai ; and I am not surprised that, as a result of the very shrewd observation made by him, Mr. T. K. Velu Pillai reconsidered his position and changed his opinion. The provisions relating to conciliation lay down that if a creditor does not accept the award of the Conciliation Board he may be mulcted with loss of interest from 1105 by the court. That is the penalty imposed for not accepting the award of the Conciliation Board. Now this Clause 34 says that all creditors, those who are agreeable to accept the award of the Conciliation Board, and those who are

[Mr. Kayalam Paramesvaran Pillai.]

not agreeable should alike suffer loss of interest from 1105. If that is to be so, Mr. Velayudhan Pillai very rightly asks, which creditor will care to go before the Conciliation Board, to see what its award is like; because, whether he accepts it or rejects it, he is going to suffer loss of interest from 1105. This provision therefore would nullify all the provisions relating to conciliation and make conciliation provisions useless. What more harm can this House do to the agriculturists of the country? The only real and substantial remedy that the poor cultivator gets and can expect to get under this Bill is that his debts may be conciliated by the Conciliation Officer. If that provision is going to be made ineffective, if the creditor is going to be induced not to care a jot for the award of the Conciliation Officer, who is it that is going to suffer? Only the poor cultivator. Clause 19 is there already in the Bill. Why then incorporate an identical provision again in Clause 34, especially when it is likely that such a course of action will prejudicially affect the bulk of the agriculturist debtors in the country? Therefore, as very rightly pointed out by Mr. T. P. Velayudhan Pillai, those honourable members of this House who want to be friends of the rich debtor are actually turning out to be the worst enemies of the poor cultivator. Let it be on their conscience if by reason of their action, the poor cultivator suffers; it will not be on mine. I hope the House will bear this in mind when it divides on this amendment.

In regard to Mr. Sambasiva Aiyar's amendment, his point is that if an agriculturist is willing to pay additional interest in cash, he must be allowed to do it. No doubt, there is some principle in it. But having regard to the conditions here and having regard to the recommendations made by the Debt Redemption Committee, I am not prepared to accept Mr. Sambasiva Aiyar's amendment. I would rather protect the agriculturist even against himself. After all, the present measure is only for a period of three years.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): Before you put the question, Sir, permit me........

PRESIDENT: I am rather surprised that the honourable member is not able to make himself heard.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): Allow me one minute, Sir, to explain an apparent inconsistency in my attitude, that has been pointed out by the Law Member. It was stated that on two former occasions I stated that some discrimination must be made between debtors who are able to pay and debtors who are not able to pay their debts and that now I have taken up a position altogether different. Sir, every one will admit that if a sentence or a line is taken out of its setting, it can be made to bear a meaning different from what it was intended to.

In regard to the Proclamation referred to by Mr. Kayalam Paramesvaran Pillai, it provided for the whole-sale staying of all decrees passed by courts against agriculturists, for three months. I said that in taking a step with such far-reaching effects, some discrimination

should be made between those who are able to pay and those who are not able to pay. I do not see any contradiction between that and my present statement which relates to a small question of reduction of interest during a short period.

The report of the Debt Redemption Committee, which was referred to by Mr. T. K. Velu Pillai, makes various suggestions of a drastic nature. For instance, it was suggested that the principal itself must be scaled down to 60 per cent. Another suggestion was that hypothecatees should be satisfied with whatever they are able to realise by the sale of the security. There were also other suggestions of a similar nature under consideration. I said that when suggestions of such far reaching character are made, a certain amount of discrimination would not be out of place.

I do not understand, Sir, what connection there is between that and the present simple provision for reduction of interest from a certain period. The House will bear in mind.....................

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I should think, Sir, that the personal explanation is over.

PRESIDENT: The honourable member will resume his seat.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I have not kept back anything. I shall read out in full the relevant portion from the proceedings of this House. That is at page 176 of the debates of 23rd May 1935.

"MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is the member against the stay order irrespective of the decree amount?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): In the case of agriculturists who are unable to pay their debts the decrees against them may be stayed whether charged on immovable property or merely personal. My point is, in the case of an agriculturist a distinction should be made between one who is able to pay and one who is unable to pay his debts.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): With reference to that, take the case of an agriculturist who, when his lands are sold, may be able to pay debts. Still he is an agriculturist. What does the member say to that?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): That is rather a difficult point. If he is ruined by the sale of lands, he may have nothing to live upon. In such a case I would extend the benefit of the Proclamation to him. If without detriment to one's livelihood, if his debts could be discharged by executing the decree he should be excluded from the definition of 'agriculturist' for purposes of the Proclamation. Relief should be given only to deserving persons who are unable to pay debts."

It was only this that I was pointing out.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): I cannot understand what these statements have to do with the present question. Again, the Law Member makes no discrimination between those who are able to pay and those who are

[Mr Changanachery K. Paramesvaran Pillai.]

unable to pay their debts in regard to the reduction of future interest for three years from the commencement of the Regulation.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I rise to a point of order. The member is entitled only to give a personal explanation. He cannot make a speech.

PRESIDENT: I have allowed the member to speak.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): So, I maintain that no such distinction need be made in regard to past interest also. I was therefore quite justified in saying that the past interest also should come within the scope of the Bill. I cannot understand when the Law Member does not make any such discrimination in respect of future interest. He can object to the giving of the benefit of the provision relating to past interest to all debtors irrespective of their ability to pay or not.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): In view of the fact that the Law Member does not want to accept my amendment, I do not press it.

The two amendments moved by Mr. Sambasiva Aiyar were, by leave, withdrawn.

The original amendment was then put and carried.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I demand a poll.

A poll was taken with the following result:

AYES.—35

1 Mr. N. Abdur Rahiman Sahib
2 ,, C. V. Chandrasekharan
3 ,, S. Chattanatha Karayalar
4 ,, P. Chidambaram Pillai
5 ,, A. S. Damodaran Asan
6 ,, K. George
7 ,, M. Mahomed Haneef
8 ,, M. K. Janardana Kamath
9 ,, T. S. Jayantan Nambootiri
10 ,, N. John Joseph
11 ,, J. M. Joseph
12 ,, T. C. Joseph
13 ,, K. C. Karunakaran
14 ,, N. Kesava Panickar
15 ,, T. T. Kesavan Sastri
16 ,, K. P. Krishna Menon
17 Rao Bahadur Dr. N. Kunjan Pillai
18 Mr. E. K. Kunjuraman
19 ,, C. O. Madhavan
20 Mr. K. Madhavan
21 ,, K. Mahomed
22 ,, P. C. Narayanan Bhattatiripad
23 ,, G. Nilakantan
24 Rao Sahib S. Paramesvara Aiyar
25 Mr. Kayalam Paramesvaran Pillai
26 ,, R. Pitchu Aiyangar
27 ,, V. Ramakrishna Panickar
28 Rao Bahadur A. Rengasvamy Iyer
29 Mr. R. Sambasiva Aiyar
30 ,, R Sivaraman Nair
31 ,, K. Madhava Kurup
32 ,, John Whitely Tolson
33 ,, G. B. E. Truscott
34 ,, T. P. Velayudhan Pillai
35 ,, T. K. Velu Pillai

NOES.—29.

1 Mr. A. Achyuthan
2 ,, K. C. Abraham
3 ,, T. K. Alexander
4 ,, V. T. Chacko
5 ,, A. Easwara Pillai (*Kottarakara*)
6 ,, Antony George
7 ,, S. J. Nair
8 ,, T. C. Joseph
9 ,, K. M. Krishnan
10 ,, Pottayil S. Krishna Panickar
11 ,, E. V. Krishna Pillai
12 ,, N. K. Krishna Pillai
13 ,, Puthupalli S. Krishna Pillai
14 ,, T. Krishna Pillai
15 ,, K. Kunjukrishna Pillai
16 Mr. K. M. Kuriakose
17 ,, M. K. Madhavan Pillai
18 ,, K. A. Narayana Pillai
19 ,, Pacode A. Narayana Pillai
20 ,, S. Nilakanta Pillai
21 ,, K. Padmanabhan
22 ,, Edavanat S. Padmanabha Menon
23 ,, Kainikkara M. Padmanabha Pillai
24 ,, Changanacherry K. Paramesvaran Pillai
25 ,, A. Thanu Pillai
26 ,, S. Tiraviam Nadar
27 ,, P. K. Thomas
28 ,, N. E. Varughese
29 ,, V. K. Velappan Nair

NEUTRALS—6.

1 Mr. R. Raman Pillai
2 ,, P. C. Kuriyan
3 Srimati T. Narayani Amma
4 Mr. K. R. Elenkath
5 Mr. A. Easwara Pillai (*Kalkulam II*)
6 ,, M. Sivatanu Pillai

The amendment was declared carried.

Clause 35.

PRESIDENT: To Clause 35, Mr. Sambasiva Aiyar has given notice of some amendments which are not connected with any amendment proposed by or on behalf of Government. I therefore rule them out of order.

Clause 36.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to move:

"*For the first paragraph of Clause 36, substitute the following, namely*:—

'*Notwithstanding anything in any law, contract, decree or order of Court, no interest shall accrue, or be permitted to be recovered as accruing, for a period of three years from the date of the commencement of this Regulation in respect of any debt, due in paddy or grain, and in existence on such date, at any rate exceeding nine per cent. per annum*'."

Sir, I shall not speak at length on this amendment because its principle is really the same as of the amendment that has been carried just now. The only difference is that this applies to debts due on paddy while the other applies to money debts. This Clause, further, makes it quite clear that the interest that has been paid must be refunded. The present Clause 36 of the Bill reads:

[Mr. Kayalam Paramesvaran Pillai.]

"Notwithstanding anything in any law, contract, decree or order of Court, no interest shall be considered to have accrued or to accrue or be permitted to be recovered as accruing from and after the 1st of Chingam 1105 up to the termination of three years from the date of the commencement of this Regulation, in respect of any debt, due in paddy or grain, at any rate exceeding nine per cent. per annum."

So, according to this provision as it stands no interest can be considered to have accrued and therefore if any amount has been paid as interest it must be refunded. I commend my amendment to the acceptance of the House.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

The amendment was put and carried.

Clause 38.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to move:—

For Clause 38, substitute the following, namely:—

Otties may be treated as hypothecations.

"38. If any transaction which is in existence on the date of the commencement of this Regulation and which purports to be a usufructuary mortgage (Otti) is proved to have been intended to be only hypothecation, such transaction shall, notwithstanding any law or custom to the contrary be treated, for a period of three years from such date, as a hypothecation which came into existence on such date.

Illustration.—A lent Rs. 1,000 to B and took a usufructuary mortgage of B's property and leased the mortgaged property to B reserving an annual pattom of Rs. 120 intending to provide thereby for the interest due on the money lent and this transaction is in existence on the date of the commencement of this Regulation. This transaction may, for a period of three years from the date of the commencement of this Regulation be treated as a hypothecation that came into existence on such date and during that period the rights between the parties may be adjusted; on that basis".

Sir, this Clause is to be substituted for Clause 38 that now finds a place in the Bill. On a comparison of the two Clauses, it will be seen that considerable restrictions are proposed by the amendment that I move. I think I will be right in saying that the proposed Cause is intended only to carry out the intentions of the original Clause. The Clause as it stood originally applied to all transactions whether they were in existence on the date of the passing of this Regulation or whether they came into existence after that date. It was not the idea of those who supported the Clause to prohibit future transactions. They never wanted that future mortgages and leases back should be prohibited. A mortgage or lease back is considered to have some advantages because it would avoid protracted suits and will save interest from accumulating. In any event it was nobody's idea that such transaction should

be prohibited in future. Therefore one of the provisions in the present amendment is that this law will apply only to transactions in existence on the date of commencement of this Regulation. Again, it was pointed out that it may lead to difficulties in regard to limitation and that poor creditors will be deprived of their moneys if it becomes a hypothecation with effect from the very date of the transaction. According to the law of limitation a hypothecation bond will be barred after 12 years. With a view to prevent such consequences I have put in a Clause to the effect that these mortgages will be treated as hypothecations that came into existence on the date of commencement of this Regulation.

Then again the object of this Bill is to give relief to the agriculturists because of the economic depression and attendant causes. The Clause should therefore operate only for a period of three years from the date of commencement of this Regulation.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know from the member whether he means by the words "for a period of three years" *in respect of* a period of three years from such date or *during* a period of three years from such date?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): For a period of three years beginning with the commencement of this Regulation. After that, it will again become a mortgage. Sir, I do not intend that this law should operate for an indefinite period. Many other provisions of this Bill operate only for three years. During this period of three years the debtor will get all the benefits. If provided in respect of other transactions a suit is filed, for instance, he can get a decree for payment in instalments. The only remedy that the creditor will have will be a suit for money and not for recovery of property. If a suit is brought for money the debtor has the opportunity of claiming the benefits available under this measure. If he goes to the Conciliation Officer, he can get his debt conciliated. This amendment is therefore necessary and useful in order to bring out the original intention of the framers of this Clause. I commend this amendment to the acceptance of the House.

MR. C V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

PRESIDENT: To Clause 38 I have received notices of various amendments and one notice was given by Mr. Thanu Pillai at 12-10 P. M. to-day. I do not propose to shut it out. I allow that amendment. The next amendment stands in the name of Mr. R. Sivaraman Nair.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): Sir, I beg to move the following amendment:

In amendment No. 12 to Clause 38 after the word "treated" insert the following words, "for the purpose of this Regulation".

The amendment now brought forward by the Law Member was not present in the original Bill. But the Select Committee made certain recommendations of this sort. In North Travancore there are some mortgages which are said to be intended to be only hypothecation deeds. Arrangements are made in such a way that the mortgagor will

[Mr. R. Sivaraman Nair.]

be in possession of the property. The provision inserted by the Select Committee is as follows :—

"If any transaction which purports to be a usufructuary mortgage (*otti*) is proved to have been intended to be only a hypothecation such transaction shall, notwithstanding any law or custom to the contrary, be treated as a hypothecation for the purpose of this Regulation".

All that the Select Committee wanted was that the usufructuary mortgages may be treated as hypothecation deeds for the purpose of this Regulation. After the Select Committee, in this House several amendments were moved and there was a good deal of discussion. The words "for the purpose of this Regulation" were retained even after that long discussion. The Law Member has deleted them now. If those words are there, the usufructuary mortgages may be treated as hypothecation deeds only so far as it concerns the purpose of this Regulation and not for other purposes. In cases where the question of limitation arises hardship may be caused to the creditor, I mean the mortgagee. If at the end of the term of the mortgage it is treated as hypothecation deed it is certainly a hardship. The Select Committee went into that question and decided to retain the words "for the purpose of this Regulation". By taking away those words, the general law which is now administered in courts of law will have to be suspended so far as these transactions are concerned for a period of three years.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*) : May I know in what way is the general law offended by the deletion of those words?

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): What I said is, by the retention of those words in the Section the general law will be suspended only to the extent it is necessary for the purpose of carrying out the intention of this Regulation and not any further.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I do not propose to move my amendment. But I second the amendment of Mr. Sivaraman Nair.

PRESIDENT: Perhaps the best plan would be to allow the various members who have given notice of amendments to move them one by one and then have a discussion on the subject.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I will second the amendment of Mr. Sivaraman Nair instead of moving my amendment.

PRESIDENT: The honourable member is at liberty to speak after all the amendments have been moved on the subject.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): I beg to move the amendment standing in my name. It reads as follows :—

"*In amendment No. 12, to Clause 38 add the words "for the purpose of this Regulation*".

I endorse all the points urged by Mr. Sivaraman Nair in this connection. One other point I have to state is this. This Bill practically is intended to meet an extraordinary situation. Part 3 of the Bill embodies certain temporary provisions relating to future interes

for a period of three years. There is Section 33 which deals with instalment payments. Part 5 of the Bill *i e.*, Clause 38 should have found a place in Part 3 because according to the amendment now moved by the Law Member and according to the original intention of the Agricultural Debt Redemption Committee, all these relief measures are to be afforded to the agriculturists who have borrowed money that is to say, other than the class of debtors in the amendment of the Law Member. It is only just to confine relief to other debtors as well. Some debtors were given relief by way of reduction of future interest. Let these persons also be given some kind of relief, that is to say, let them be given reduction in part in the rate of interest to the extent of 6 per cent.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : May I know whether it is the member's idea that during this period it shall be open to the mortgagee to recover the property from the mortgagor.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : The creditor can recover the property from the mortgagor.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*) : If the mortgagor is not allowed to have the property, then what is the meaning in saying that the rate of interest is reduced to 6 per cent.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : There are occasions when property may be fetching more than 6 per cent interest. There is no question of rent at all. When the debtor has to pay interest certainly the property should be in his hands. There is no reason why one debtor should be asked to pay more interest than the other class of debtors. In view of the provision that we have passed it is only legitimate that they should also be afforded relief. In this connection I will refer to the recommendations of the Agricultural Debt Redemption Committee. This is what they say on page 87.

PRESIDENT : There is another amendment standing in the name of Mr. Sambasiva Aiyar.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : That is only a consequential amendment.

PRESIDENT : The following is Mr. Thanu Pillai's amendment. I will read it for the information of the House.

Add the following after the words :

"On such date" in line 7, "provided that nothing in this Section shall exempt the mortgagor from liability for arrears of pattom, if any, due in respect of such transaction for any period previous to such date."

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Sir, the Law Member's amendment is to this effect : —

"If any transaction which is in existence on the date of the commencement of this Regulation and which purports to be a usufructuary mortgage (*Otti*) is proved to have been intended to be only a hypothecation, such transaction shall, notwithstanding any law or custom to the contrary, be treated, for a period of three years from such date, as a hypothecation which came into existence on such date."

He also says in the illustration that such transaction may be for a period of three years from the date of the commencement of this

[Mr. A. Thanu Pillai.]

Regulation be treated as a hypothecation that came into existence on such date and during that period the rights between the parties may be adjusted on that basis.

To me it appears, difficulties would arise in such cases where transactions are to be settled during a period of three years from the commencement of this Regulation in respect of arrears of rent due for a period previous to the commencement of the Regulation. This is because it is stated that for a period of three years from the date of the commencement of this Regulation this transacton may be treated as a hypothecation, etc,, etc. To make the position clear and to avoid such difficulties I beg to move my amendment. Add the following words after the end of the Clause and before the illustration:

"Provided that nothing in this Section shall exempt the mortgagor from liability for arrears of pattom if any, due in respect of such transaction for any period previous to such date."

After the period of three years there would be no difficulty because of the particular way in which it will be viewed and what it purports to be in the light of the document.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*): In view of the amendment that has been moved by the Law Member and just now passed by this House I do not wish to move my amendment.

PRESIDENT: The amendments are now open to discussion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Before the debate begins, I may say that I am prepared to accept Mr. Thanu Pillai's amendment.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*): In opposing the amendment of Messrs. Sambasiva Aiyar and Sivaraman Nair I wish to offer a few remarks· I agree with the amendments of the Law Member and Mr. Thanu Pillai. This is a provision which did not find a place in the original Bill proposed by the Government. But it was thought necessary by the Select Committee that a provision analogous to the one that is now before the House should be introduced in the Bill in order that agriculturists especially of the northern half of Travancore might have the benefit of those reliefs which are conferred on agriculturists in other parts of Travancore. This kind of transaction is very prevalent in North Travancore. In order that the creditors might avoid the payment of income tax and to overreach the provision relating to the prohibition of compound interest they adopted a course of taking the mortgage of the property from the debtors and leasing it out again to the mortgagors themselves, on the condition that the stipulated rate of interest or *pattom*, as the case may be, be paid annually if not half-yearly. If this kind of transaction is allowed to be continued, the protection which is afforded to other kinds of agricultural debtors will be denied to those in North Travancore in toto. There are provisions in the Bill which would reduce the rate of interest to six per cent for a period of three years from the commencement of this Regulation. If this kind of transaction is

allowed to continue in its present form the law applicable to reduction of interest would not be applicable to such transactions. Even if the law regulating the reduction of interest is to be applicable during the period of these three years the mortgagee, if he is so minded, can get back the property by suing in a court of law on the basis of the lease. There is no virtue in the amendments of Mr. Sambasiva Aiyar giving a reduction of interest for a period of three years. He is aware that that provision can be nullified by a suit in a court of law and getting a decree for the recovery of the property covered by the lease. Even though the intention of the parties was to treat this kind of transaction as purely hypothications the rules of law and of evidence would not allow the mortgagor to set up this contention and to adduce evidence that the real intention was only to treat it as a hypothecation. It is to avoid this and to give an opportunity to such agricultural debtors who are so minded to set up a contention in the court of law and give evidence to show that the real intention of the party was only to treat it as a hypothecation that this provision is sought to be included. My friend Mr. Sivaraman Nair wants the words "for the purpose of this Regulation" to find a place in the present Section as sought to be amended by the Law Member. Even though it appears at the outset that the amendment of Mr. Sivaraman Nair is very innocent, my submission is that it cuts at the very root of the beneficial provision that is sought to be enacted for the benefit of this kind of agricultural debtors. According to the definition of debt those transactions which partake of the nature of a lease are specially mentioned to be excluded from the purview of debt except for a single purpose, and that is for the purpose of conciliation, even if it can be considered to be a debt. The most important grievance of the agricultural debtors who happen to enter into this kind of transactions is that their land will be recovered from them if they happen to make default in their payments of interest. When such transactions are entered into between parties the actual yield from the property is never taken into consideration simply because of the fact that it was never thought likely that the possession of the property would pass to the mortgagee. So, if in future, payment of rent or *pattom* is defaulted by the mortgagor and the properties are allowed to be recovered by the mortgagee, he will be able to realise 12 per cent, nay even 24 per cent by way of interest because it was never thought necessary by the parties to take into consideration and ascertain the actual yield from the property. And because they had no idea of handing over possession of the property to the mortgagee what the mortgagee would ordinarily look into in such cases is only as to whether the properties would be sufficient to cover the principal money lent and the probable arrears of interest and costs that could be obtained. In such transactions the mortgagor ordinarily would not care to ascertain the actual extent or the probable income from the property because he was quite sure that he will be able to meet the demand in time and so there will not be any necessity to hand over the property to the mortgagee. But unfortunately owing to the

[Mr. Pottayil S. Krishna Panickar.]

economic depression in most cases he had to make default in payment of interest. I am sure that many of the honourable members who happen to represent the northern taluks of Travancore would agree with me that hitherto many decrees have been obtained for the eviction of the mortgagor and as such even if this provision is passed I fear very many of the agricultural debtors would go without any remedy whatsoever. Thus to save at least those against whom no decrees have been obtained, in fairness and equity, this amendment should not be accepted by this House.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I also support the amendments brought forward by the Law Member and Mr. Thanu Pillai. As has been remarked by Mr. Krishna Panickar the effect of the two amendments proposed by Mr. Sivaraman Nair and Mr. Sambasiva Aiyar will forefeit the very intention of the provision. This is a trick played to find a means to evict a debtor from the possession of his property by the easiest method. Sir, the debtors can be grouped under two categories. There is one set of people who are willing to hand over possession of their properties to the creditors for the mortgage amount to avoid the responsibility of paying interest. There is another set of people who are not willing to part with their properties out of self-respect. They do not want other people to know that they are debtors and they will not be willing to part with their properties, and hence they are willing to satisfy the creditors by giving abnormal rate of interest by way of *pattom*. As I said there is another set of people who are willing to dispose of their properties. But at the same time the creditors want to avoid the provisions of the incometax law. According to the Income Tax Regulation, tax cannot be levied on *pattom* amounts, whereas if the interest is drawn by the creditor by means of a hypothecation deed the Income Tax Officer can catch hold of the creditor and levy income-tax on him. In order to avoid this the creditor himself demands such a procedure from the debtor and insists upon this condition by which the debtor seems to loose nothing. The result of it is that not only the creditor gets an abnormal rate of interest but Government also lose by way of loss in income tax collection. During my last discussion on the same subject I had brought to the notice of this House a specific instance of a case in which interest as high as 24 per cent. was drawn by a creditor with the help of such a document *viz.*, "Mortgage and Lease Back."

Again, Sir, according to the rules of the Land Mortgage Bank this sort of transaction cannot be dealt with. This is very hard on the debtor who cannot get the benefit of the Land Mortgage Bank. Sir, an amendment like the one by the Law Member is quite necessary for the purpose of regulating these Regulations *viz.*, the Agricultural Debt Relief Regulation and the Income Tax Regulation and also to satisfy the rules of the Land Mortgage Bank. Last time also this amendment was discussed at great length on the floor of the House. The effect of

the amendments brought forward by Mr. Sambasiva Aiyar and Mr. Sivaraman Nair will be nullifying all these, because according to them only for the purpose of the Debt Relief Regulation for fixing the *pattom* can such documents be interpreted as an hypothecation deed. I submit Sir, that during last time also this question was elaborately discussed and a decision arrived at. By the amendments of Messrs. Sambasiva Aiyar and Sivaraman Nair that should not be set aside. Therefore I support the amendments brought forward by the Law Member and Mr. Thanu Pillai and oppose the other amendments.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I also wish to speak a few words on the amendment. The amendment of Mr. Kayalam Parameswaran Pillai appears to be defective in certain respects. That is why I thought that the amendment of Mr. Sivaraman Nair must be accepted by this House. That is to say the amendment as it stands, would throw a great deal of doubt upon the question as to whether the rent for the period prior to the commencement of this Regulation could be recovered by the hypothecatee. It is stated that the transaction must be treated to have come into force on the day of the commencement of the Regulation. The transaction includes the usufructuary mortgage as well as the lease. Both these have to be treated to have come into existence on the date of the commencement of the Regulation. If that be so, a suit for arrears of rent prior to the commencement of the Regulation does not arise.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it the member's opinion that that will be the position even if Mr. Thanu Pillai's amendment is accepted?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): This is why I thought that this amendment requires some amendment. Now I find that Mr. Thanu Pillai's amendment removes that difficulty. So the Law Member's amendment as amended by Mr. Thanu Pillai can be accepted.

PRESIDENT: The honourable member does not seem desirous to prolong the discussion. Now I call upon Mr. Krishna Panickar to move his amendment.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*): Sir, I do not move the amendment.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): In view of the fact that Government do not seem to find their way to accept the amendment, I do not wish to move my amendment.

PRESIDENT: I now put the amendment of Mr. Kayalam Paramesvaran Pillai as amended by Mr. A. Thanu Pillai's amendment, to vote.

The amendment was put to the vote of the House and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I now move with great pleasure the last motion on this Bill, namely, that the Bill as amended be passed into law.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): I oppose the motion. In doing so I again appeal to Government that it ought not to become the law of the State. The Bill consists of five parts. Part I--Preliminary-consists of two Sections, short title and commencement. Part II deals with Debt Conciliation. Part III deals with temporary provisions regarding execution of decrees and interest. Part IV deals with the amendment of the Code of Civil Procedure, 1100, regarding execution of decrees, and Part V deals with mortgage and lease back.

With reference to Part I, Sir, my submission is that the definition of the term 'agriculturists' is too wide in scope to include almost all the sections of the population of the State and practically includes every person. The term 'agricultural debt' could include practically every kind of debt. Debts incurred for the purpose of trade, *jenmikaram* dues, debts taken for the construction of palatial mansions, and debts incurred in connection with speculation in rubber industry, in short every kind of amount which a person owes to another is brought under this term. Sir, in no other part of India has a legislation been enacted without defining a term with due limitation. In this connection I should like to draw the attention to an observation made by the Honourable High Court to whom this Bill was referred only very recently. The High Court weighed with a larger judicial experience observed that the definition is very wide in range to include *jenmikaram* arrears or rent due and other like debts. They further pointed out, Sir, that in Madras a sum of Rs. 200 is fixed as a limit to which that definition could be restricted. There is no reason why such a limit could not be placed in Travancore. The A. D. R. Committee themselves have observed on page 128 of their report that about 50 per cent of the total debt is owed by 10 per cent of all the debtors. It is the duty of the State to save this 10 per cent. of debtors. Now we confine ourselves to 90 per cent. of the debtors who have only 50 per cent. of the debt. The advantage of adopting such a definition is very beneficial.

Part II of the Bill deals with Debt Conciliation Boards, a step which the Government can reasonably take. But they should see that conciliation goes hand in hand with redemption of debt. My serious objection, Sir, is that there is no means or agency by which conciliated debt could be paid in actual cash to the creditor. Pay the creditor cash and let him go. Do not tell him further to take it in instalments. That is not fair. What I submit Sir, is let us restrict the term "agriculturist" and "agricultural debt" as is done in other parts of British India and in Mysore. The total amount of actual debt would come to about 12 crores of rupees. It is estimated to be about 25 crores of rupees. The balance of 12 crores of rupees—by a sum of three crores of rupees it is possible to pay in cash to all the creditors; by this means everybody is satisfied, the creditor as well as the debtor. The State can realise the amount in instalments from the debtors at a reasonable rate of interest, say 4 per cent. It is very easy for the State to raise a loan. The property of the debtor should be kept as security. But in conciliating

debts as provided in the Bill the creditor is compelled to satisfy himself with whatever amount is paid to him. What I submit is to pay him that amount in cash and not in instalments. By trying to help this small number of heavily indebted debtors it is not possible to undertake any measure to the satisfaction of both parties. That, Sir, is my chief objection. If however Government are not going to change the definition whatever relief is afforded will not be appreciably felt.

Part III of the Bill is a matter which has been discussed practically at sufficient length. Therefore I do not wish to take the time of the House. But I only submit that this proscription of interest *i. e*, 6 per cent. for three years would certainly affect the credit of the country. My view, Sir, is that the general question of credit has not been considered properly. I am fortified in this opinion by the authority of the High Court. It would have been good if Government had consulted economic experts to settle this question. Our High Court itself was consulted only very late. We are not aware that the question has been referred to any economic expert. If they were consulted I am sure everybody who knows something about economics would see that the credit of the State should be allowed to remain unimpaired.

Then about Part IV. I have no objection to this Part. Now with reference to Part V, I might say the Government ought not to have expanded the innocent amendment. Government should not interfere with the law of the land pertaining to the vested rights of people. By the process of usufructuary mortgage very many transactions have been entered into and such transactions were in force forty or fifty years back, and are even now in force. When the [mortgage is in possession of a property to say suddenly that the transaction should be treated as hypothecation will introduce very many complications.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know from the member how the Bill will affect the man who is actually in possession?

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): I was submitting, Sir, that the mortgagor is in possession as a tenant of the mortgagee. In most of these cases creditors are mortgagees. The majority of them are Jenmis who are Nambudiri Brahmins. When any of a Jenmi's tenant wants money he goes to the Jenmi who gives him his land. Now suddenly we hear that they have got to be usufructuary properties and must be treated as hypothecated transactions. And I may as well say that this Bill will also affect the law of limitation. I submit Sir, that I would invite a reference to the last passage of the memorandum of the High Court.

MR. S. J. NAIR (*Nedumangad*): Sir, I rise to oppose the Bill. The condition of the agriculturists in this State is too hard. The estimate of the total debts comes to 25 crores of rupees according to the Banking Enquiry Committee's Report. It comes up to 20 crores of rupees according to the Census Commissioner's Report. It is 40 crores of rupees according to the Report of the Economic Depression Enquiry Committee. Therefore, roughly it amounts to 38 crores of rupees. The

[Mr. S. J. Nair.]

number of agricultural debtors is 2 lakhs and 66 thousand and the average debt of an agriculturist is 1,450 rupees. The debt per acre is Rs. 180. All these facts are evident from the Report of the Agricultural Debt Redemption Committee. It was as a result of the recommendation made by that expert and able Committee, which was composed of responsible Government officials, that this Bill was drawn up originally. But at the stage of the second reading of the Bill, the members of this House composed mainly of the representatives of the agriculturists passed some amendments. One of the beneficent amendments that was passed was Clause 3, appealing practcally to Government to set up Conciliation Boards covering the jurisdiction of the whole State so that all the agricultural debtors in the State be equally and simultaneously be benefited by the presence of the Conciliation Boards

Sir, from what I have just now said it would be evident that the debt of the agriculturists in this State is too heavy. He is not in a position to suffer his debt and it would have been the duty of Government to bring in some legislation which would substantially render help to those suffering agriculturists. Now, as a result of the amendments, especially No. 1 that was brought forward by the Law Member, on behalf of the Government—and that was carried out--I find that the effect of this legislation in the matter of decreasing the sufferings of the agriculturists has been nullified.

PRESIDENT: Will the honourable member take some time ?

MR. S. J. NAIR (*Nedumangad*): Yes, Sir

PRESIDENT: Now the House will adjourn and meet again at 2 P. M.

The House rose for lunch at 1 P. M. and re-assembled at 2 P. M. with the President in the Chair.

MR. S. J. NAIR (*Nedumangad*): The agriculturist in this State is the backbone of the State. They are the main stay of our country. They are not merely knee-deep, but neck-deep involved in debt. This is the real situation to-day and this is evident from the Report of the A. D. R. Committee. The only remedy possible to save the agriculturists is the establishment of Debt Conciliation Boards. While carrying the amendment No. 1, that was brought forward by the Law Member at the instance of the Government, the expectations of the poor agriculturists in this State have been denied. I do not say it is totally denied, because as a result of this amendment there is no compulsion on the part of Government to establish different Conciliation Boards throughout the State so that the whole jurisdiction of the State may be covered by all the Boards. Now the agricultural debtors have no remedy to have their debts conciliated on reasonable grounds.

Again, another good feature of the Bill was the limitation of interest on past debts. Sir, as a result of the amendment that was carried on

by this House that right has been denied to them. Now, practically the condition of the agriculturists is that of Antonio in Shakespeare's Merchant of Venice. (*Laughter.*) And the part that is being played by the money lending class in this State is that of Shylock. Well, the State has failed to play the part of Portia (*Laughter*), and the Shylock's propensities still continue and the helpless condition of the Antonios, the poor agriculturists in the State; continues and they are left helpless and the Bill does not help the interests of the agriculturists in the State at all. For these reasons I oppose the Bill.

MR. M. K. JANARDANA KAMATH (*Commerce and Industry, North*): Sir, I strongly support Mr. Sambasiva Aiyar. And in doing so I do not want to encroach upon the valuable time of this House by repeating what has already been said by him. The very words of Mr. Sambasiva Aiyar will prove that. If this Bill is enacted it will not afford any relief to debtors but will cause great hardship to the creditors as well as to the debtors. As a representative of the merchants I too insist that this Bill will no doubt go against all the interest of the commercial business; so I oppose this Bill.

MR. T. S. JAYANTAN NAMPUTHIRI (*Travancore Jenmies North*): സർ, ഈ ബിൽ നിയമമാക്കണമെന്നുള്ള ലാമെമ്പറുടെ ഉപക്ഷേപത്തെ ഞാൻ എതിർക്കുന്നു. ബില്ലിലെ പല വകുപ്പുകളും രൂപീകരിച്ചിട്ടുള്ളതു് നിലവിലിരിക്കുന്ന സാമാന്യ നിയമങ്ങളെയും ഉത്തമർണ്ണരുടെ രക്ഷയെയും ഒട്ടുംതന്നെ പരിഗണിക്കാതെയാണെന്നു പറയാതിരിക്കുവാൻ നിവൃത്തിയില്ല. ഈ ബിൽ നിയമമാകുന്നപക്ഷം അതു് ഞാൻ പ്രാതിനിധ്യം വഹിക്കുന്ന ജന്മി നിഃയോജകമണ്ഡലത്തെ എത്രകണ്ടു ബാധിക്കുമെന്നു മാത്രമാണു്. ഈ പ്രസംഗംകൊണ്ടു ബോധ്യപ്പെടുത്തുവാൻ ഞാൻ ഉദ്ദേശിക്കുന്നതു

ഒന്നാം ഭാഗത്തിൽ കർഷകൻ കാർഷികക്കടങ്ങൾ എന്നു രണ്ടു പദങ്ങളുടെ നിർവചനമാണു് പ്രധാനമായിട്ടുള്ളതു്. കൃഷിയുമായി യാതൊരു ബന്ധവുമില്ലാത്തവരെയും കർഷകരല്ലെന്നു സർവത്ര അംഗീകരിക്കപ്പെട്ടിട്ടുള്ളവരെയും കൂടി ഈ ബില്ലുകൊണ്ടു് കർഷകരാക്കിയിട്ടുണ്ടു്. അതുപോലെതന്നെ വിപുലമായ വിവരണംകൊണ്ടു ൯൦ ശതമാനം ജനങ്ങളേയും കർഷകരാക്കി അവരുടെ എല്ലാ കടങ്ങളേയും കാർഷികക്കടങ്ങളായി നിശ്ചയിച്ചിട്ടുള്ളതും ഈ ബില്ലിന്റെ പ്രത്യേകതയാണു്.

പാട്ടത്തിന്റെ സ്വഭാവമുള്ള എടപാടുകളിൽനിന്നും ഉണ്ടായിട്ടുള്ള കടങ്ങളും ജന്മികുടിയാൻ റഗുലേഷന്റെ പരിധിയിൽവരുന്ന കുടിശ്ശികകളും ഈ റഗുലേഷനിലെ രണ്ടാം ഭാഗത്തിനുവേണ്ടി കടങ്ങളാണെന്നു നിശ്ചയിച്ചിരിക്കുന്നു. ഇതു് ഏററവും അക്രമവും മററു രാജ്യങ്ങളിലും ബ്രിട്ടീഷ് ഇൻഡ്യൻ പ്രോവിൻസുകളിലും സ്വീകരിച്ചിട്ടുള്ള നിർവചനത്തിനു

[Mr. T. S. Jayantan Namputhiri.]

വിപരീതവുമാണ്. ഈ വകുപ്പ് ആദ്യം അവതരിപ്പിച്ച ബില്ലിൽ ഉണ്ടായിരുന്നില്ല. സെലക്റ്റ്കമ്മിററിക്കാർ ആദ്യമായി ഈ വകുപ്പു ചേർക്കുന്നതിനു മതിയായ കാരണങ്ങൾ പ്രസ്താവിച്ചിട്ടില്ലെന്നുള്ളതും പ്രസ്താവയോഗ്യമാണു. കമ്മിററി ഇങ്ങനെ പറയുന്നു:—

"The Committee agree that debts due to Government, Land Revenue and such other items should be excluded altogether from the purview of this Regulation. In regard to the trade debts of an agriculturist, debts due to co-operative societies and debts of the nature of rent, it may be that they should not be treated like ordinary advances of loan made to an agriculturist. But there is no reason why they should be excluded from the purview of the provision for conciliation proposed in part II of this Bill."

ഋണനിവാരണപദ്ധതികളെപ്പററി നല്ലവണ്ണം അന്വേഷിച്ചു റിപ്പോർട്ടു തയ്യാറാക്കിയ Agricultural Debt Redemption Committeeക്കാർ ഈ വിഷയത്തെപ്പററി പറഞ്ഞിരിക്കുന്ന അഭിപ്രായം ശ്രദ്ധാർഹമാണ്. അവർ ഇങ്ങനെ പറയുന്നു,

"Rents, Michavaram and other periodical dues arising from transactions of the nature of lease are either fixed from year to year or are fixed periodical payments, being, in essence, a share of the yield of the land and are distint from obligations arising out of loan transactions."

ബഹുമാനപ്പെട്ട ഹൈക്കോടതിയിൽനിന്നും ഈ ബില്ലിനെപ്പററി തയ്യാറാക്കിയിട്ടുള്ള മെമ്മോറാണ്ടത്തിൽ ഇപ്രകാരം പറയുന്നു.

"The inclusion of rent due under Kanapattom and other leases, which are only the land-lord's share of the produce of the land enjoyed by the tenant, within the ambit of the debt conciliation, may ultimately work injury to the agriculturists themselves. After having enjoyed the full produce of the land, that the tenant should be allowed to dictate to the land-lord that his share of the produce, one which he subsists, may be collected by him in 12 years is certainly a Clause which would soon put an end to these leases"

മേൽപ്പറഞ്ഞ മൂന്നു അഭിപ്രായങ്ങളിൽ ഒടുവിലത്തെ രണ്ടും ശ്രദ്ധാവഹവും ഗവണ്മെൻറു പ്രത്യേകം വില കല്പിക്കേണ്ടതുമാകുന്നു. ഇതിൽ കൂടുതൽ പ്രാധാന്യമേറിയ അഭിപ്രായങ്ങൾ ആവശ്യമില്ലെന്നു പ്രത്യേകം പറയേണ്ടതില്ലല്ലോ. അതിനാൽ ജന്മിമാരുടെ ചെല്ലുണ്ട കുടിശ്ശികകളും വെറും പാട്ടക്കരാറുകളനുസരിച്ചുള്ള ബാദ്ധ്യതകളും കടങ്ങളായി പരിഗണിക്കാൻ പാടില്ലെന്നുള്ള എൻെറ അഭിപ്രായത്തെ രേഖപ്പെടുത്തുകയും ഈ കാര്യത്തിൽ ഗവണ്മെൻറു പ്രത്യേകം ശ്രദ്ധവയ്ക്കണമെന്നു അപേക്ഷിക്കയും ചെയ്തുകൊള്ളുന്നു.

കൂടാതെ മുൻപിൽ ബാദ്ധ്യതകൾക്കു ഇന്നു കല്പിച്ചിരിക്കുന്ന വ്യത്യാസം ഈ ബില്ലുകൊണ്ട് മാററാൻ ഉദ്ദേശിക്കുന്നത് ഒരിക്കലും സാധു

വായിരിക്കുകയില്ല. ജന്മികുടിയാൻ റഗുലേഷൻ അനുസരിച്ചു, ജന്മിക്കു ചെല്ലേണ്ട കുടിശ്ശികകൾ ഒന്നാം ബാദ്ധ്യതയാണ്. ഗവണ്മെൻറിലേക്കു ചെല്ലേണ്ട കരമൊഴിച്ചുള്ള എല്ലാ കടങ്ങളും പിൻ ചാർജ്ജു മാത്രമെ ആകുന്നുള്ളൂ. ഗവണ്മെൻറിലേക്കു ചെല്ലേണ്ട സംഖ്യകൾ മുഴവൻ ഈടാക്കുകയും വസ്തുവിലെ ഒന്നാം ബാദ്ധ്യതയായ ജന്മിക്കരം കൺസിലിയേഷൻെറ അക്രമവും അനീതിപരവും ആയ തീരുമാനങ്ങൾക്കു വിധേയമാക്കുകയും ചെയ്യുന്നതു് അക്ഷന്തവ്യമായ ഒരു അപരാധമാകുന്നു.

വെറുമ്പാട്ടവസ്തുക്കളിൽ കുടിയാനവൻ മുതൽ മുടക്കിയിട്ടില്ലാത്ത സ്ഥിതിക്കു യാതൊരു രക്ഷയും ചെയ്തു കൊടുക്കേണ്ട ആവശ്യമില്ല. വസ്തു ഒഴിഞ്ഞുകൊടുക്കാതെ ആദായം എടുത്തു ഉപജീവിക്കുകയും ഈ മാതിരി ആദായം മാത്രംകൊണ്ടു് ജീവിതം കഴിക്കുന്ന ഉടമസ്ഥനു ഒന്നും കൊടുക്കാതിരിക്കുകയും ചെയ്യുന്ന കുടിയാനവൻ നിയമപ്രകാരം ശിക്ഷാർഹനായിരിക്കെ സൌജന്യങ്ങളും സഹായങ്ങളും ചെയ്തുകൊടുക്കുന്നപക്ഷം വസ്തുഉടമസ്ഥന്മാരുടെ ഭാവി ഭയങ്കരം ആയിത്തീരുന്നതാണ്. നേരിട്ടു കൃഷിചെയ്യുന്നില്ലെന്നുള്ള ഒററക്കാരണംകൊണ്ടു് വസ്തു ഉടമസ്ഥൻ രക്ഷാർഹനല്ലെന്നു വിധിക്കുന്നതും അക്രമമാണ്.

രണ്ടാം ഭാഗം കൺസിലിയേഷൻ ആണ്. ബോർഡുകൾ വിജയകരമായിരിക്കുകയില്ലെന്നുള്ള എൻെറ അഭിപ്രായം മുൻപുതന്നെ രേഖപ്പെടുത്തിയിട്ടുള്ളതാണ്. ബോർഡിൻെറ തീരുമാനത്തിനു് സമ്മതിക്കാത്ത ഉത്തമർണ്ണനു വിധിച്ചിരിക്കുന്ന ശിക്ഷകൾ വളരെ അധികമാണ്. രണ്ടാം ഭാഗം മുഴവൻ എടുത്തുകളയേണ്ടതാണെന്നുള്ള എൻെറ അഭിപ്രായത്തെ രേഖപ്പെടുത്തിക്കൊള്ളുന്നു.

അവസാനമായി നടപ്പുപണയം പാട്ടച്ചീട്ടിനെപ്പററിയാണ് പറയാനുള്ളതു്. ഒററി ചൂണ്ടിപ്പണയമാക്കി മാററുന്ന ഈ വകുപ്പു് ഒരിക്കലും ന്യായമല്ല. വസ്തു അന്യാധീനത്തിലാകാതെ അനുഭവിക്കുന്നതിനുള്ള വ്യവസ്ഥകൾ ചെയ്തു് സഹായിച്ച ഉത്തമർണ്ണനെ ഈ വിധം ശിക്ഷിക്കുന്നതു് അക്രമമാണ്. ഈ വകുപ്പിനെപ്പററി ധാരാളം വാദപ്രതിവാദങ്ങൾ ഇന്നു ഇവിടെ നടന്നുകഴിഞ്ഞിട്ടുള്ളതുകൊണ്ടു കൂടുതലായി ഒന്നും പറയണമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല.

ആവശ്യത്തിനു പണം കടം കൊടുത്തു സഹായിച്ച ഉത്തമർണ്ണനേയും വസ്തുക്കൾ കൃഷിക്കു കൊടുത്തു സഹായിച്ച വസ്തു ഉടമസ്ഥനേയും അന്യായമായി ഉപദ്രവിക്കുന്നതിനു ഇടയാക്കുന്ന ഈ ബിൽ സ്വീകാരയോഗ്യമല്ലെന്നുള്ള എൻെറ അഭിപ്രായത്തെ രേഖപ്പെടുത്തുകയും ബില്ലിൻെറ ഉപക്ഷേപത്തെ എതിർക്കുകയും ചെയ്തുകൊണ്ടു് ഞാൻ വിരമിക്കുന്നു.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, I support the motion made by the Law Member. It is only to the interests of the parties concerned that they make the best of a bad bargain. The creditors at the outset, are not satisfied with the Bill: the debtors, it would appear, are not completely satisfied with the provisions of the Bill. Whatever may be the level of satisfaction, so far as both parties are concerned, I submit that we must be in a position to level up our differences and accept what has been given to us and work out the intentions to the mutual benefits of the debtors and the creditors. In the first place, there is the provision relating to the Conciliation Boards and the principle involved in it has been well discussed in this House I believe that the House is convinced of its utility. The Government, I hope will extend the operations of the Boards to all parts of the State, so that the debtors who want relief may appear before them and have their grievances redressed. Extensive and discretionary powers are conferred upon the Boards. If the proper sort of officers are also appointed I am certain the working of the Bill will confer much benefit upon the debtor class. No doubt, the debtors are not satisfied; and though they have claimed for more, the little that has been conferred must go to a great extent in ameliorating the. present distress. With regard to the creditors it must not be complained that they have been in any way hard hit by the provisions. The States all over the world have always exercised control over the interest that may be accumulating upon loans advanced by the creditors. The Legislatures have always exercised some sort of control and fixed rates, pointed out the maximum realisable and after all in this Regulation, Clauses 34 to 36, deal only with future interest and that only for three years.

The apprehension that credit will take to wings and creditors will quit the country is a statement that has no meaning. It does not require serious notice. Even under Regulation IV of 1010 there was some sort of control. For more than one hundred years it has been working satisfactorily. By conferment of privileges on the creditors the debtors have not ceasedto borrow from the creditors. Even though Banks and Hundi merchants were advancing loans at 8 per cent, Government were able tobring down the level of the ordinary rate of interest by working from through the State-aided Bank. This has not prevented other Banks carrying on their business. There is one Bank in Trivandrum, working side by side with the other Banks, which lends out money at reduced rates of interest. It advances loans at the rate of 6 per cent and they are working side by side with the other Banks which are giving loans at the rate of 12 per cent. I am sure that Government will more seriously take into consideration the idea of establishing a well-stocked Bank in the Trivandrum city.

MR. M. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): May I know the name of the Bank?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon I*): It is the South Indian Bank. If, Sir, the Government would take a keen interest in

the matter of preserving the credit of this country, of getting in more money into the State, I am quite sure that the alarm now set up could be easily met. What we want is more willing money.

We do not want money which clamours for accumulation in the shape of interest and that at exorbitant rates. We want modest money which would be satisfied with moderate rate of interest. Such money must be attracted into our country and retained here. This is a matter in which the Government also should take some interest. The non-officials in the country, the bankers, the borrowers and the creditors have all tried to create a dependable and helpful financing agency. But without Government co-operation, it is difficult to do anything effective in this direction. Therefore along with the very beneficent measure that is now being enacted, Government should also take steps to create a proper financing agency in the country. If that is done I am quite sure the alarm which the creditors threaten us with on the one hand, the dejection which the debtors feel on the other, will all be dispelled, and there will be better co-operation and a better feeling of cordiality among the people.

With these words I support the motion that the Bill be passed.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): Sir, I oppose the passing of this Bill. During the time of the second reading and also during the last two days I have been hearing of expropriation, appropriation and misappropriation. Sir, I do not belong to the legal profession. I am a pure layman. It may therefore be considered that my attempt to enter into this discussion is a trespass, a foolish trespass. Still, I cannot but speak a few words on this occasion.

When the Bill as revised by the Select Committee was placed before this House, we thought that we could get as many Boards as we would require. But the Government were not prepared to do it. Then we thought that the Boards that are established, whatever be their number, would cover the whole State. Even at the second reading the Law Member said that he would not accept that position. In spite of that Mr. T. P. Velayudhan Pillai's amendment, bringing the whole State under the Conciliation Boards, was carried. But now by an amendment, for which I also voted, even that position has been changed. I must explain why I voted for that amendment. Government have clearly stated that they would not constitute as many Boards as are necessary. In such circumstances if the whole State were to be brought under the jurisdiction of just a few Boards, surely the work would be too heavy for the few Boards that are brought into existence, and nothing useful could be expected of them.

I thought, Sir, that at least Clause 34 would be left as we had amended it at the second reading. If we are to be given all the Boards that we require for extending the benefit of conciliation to the whole State, I could have understood Clause 34 being amended as it has been now amended. But, Sir, now the position has been established that all the debtors in the country are not going to get the benefit of conciliation.

[Mr. R. Raman Pillai.]

Therefore it is only fair that such of the debtors as are not given the benefit of conciliation are enabled to get at least the benefit of reduction of interest from 1105.

As it is, Sir, the Bill has become entirely useless. It is nothing more than a mere scrap of paper. It does not benefit the debtor in any respect. But at the same time it has affected the creditor prejudicially since for a few years to come he cannot get his money. Ultimately the debtors are not going to get even a single cash reduced ; they will lose their entire property.

Sir, the honourable Law Member was referring to rich debtors. The sun does not shine for the sake of the good alone. He shines for the good as well as for the wicked. I am sorry the Law Member did not remember that.

I oppose the Bill and appeal to the honourable members of the House to throw it out.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : I support the motion, and in doing so I would submit a few words for the immediate consideration of Government.

In the first place, the whole trouble has arisen on account of the existing statutory provision regarding the rate of interest in the Interest Regulation *i. e.* Regulation I of 1010 M. E My first submission therefore is that Government should take immediate steps to reduce as a general rule the rate of interest from 12 per cent to 6 per cent. Such a step will surely ameliorate the condition of the entire population of the State. This reduction of the rate of interest will obviously enhance the value of the landed property also.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : On a point of order, whether these grounds are relevant to the motion that the present Bill be passed.

PRESIDENT : Evidently, the honourable member thinks that this Bill may be passed provided the considerations that he is now putting forward are borne in mind.

The member will proceed.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : My second submission is that the Government should reduce as a general rule the rate of interest on deposits in their Savings Banks. Then only the moneyed people will be tempted to invest their money on the landed property. This also will indirectly operate as a substantial relief to the indebted agriculturists in the country.

With these words, I support the motion.

MR. P. C. KURIYAN (*Kottayam I*) : I too wish to support the motion. I am very glad, Sir, that the Bill has reached its final stage. We have removed the retrospective provision ; but we have retained Clause 19 which gives the power to the Board to reduce interest even from 1105 in deserving cases. Therefore, where necessary, relief has been given to the debtor ; at the same time, no injustice has been done to the people who have invested their money. Therefore, there cannot be any question of credit flowing out of the country.

In this connection, I would remind the Government that the Law Member, when he introduced the Bill, said that the additional attraction for the creditor was that although the amount due to him would be reduced, he would get it in cash. But at the second reading of the Bill, when some honourable members proposed amendments to the effect that the State should undertake to advance the money necessary to pay off the conciliated debts, those amendments were ruled out on the ground that they would affect the revenues of the State. I would strongly emphasise that it is the duty of the Government to bring into being some efficient financing agency so that the provisions of the Bill may effectively help all sections of the people.

MR. A. ESWARA PILLAI (*Kalkulam II*) : I support the motion moved by the learned Law Member to pass the Travancore Agriculturist's Relief Bill . I am conscious of the fact that the indebted agriculturist of Travancore does not get the full relief that he needs by this piece of legislation. To get the maximum benefit out of the provisions of this Bill, Conciliation Boards may be started as early as possible and adequate funds may be made available in the Land Mortgage Bank to pay off the conciliated debts. The agriculturists of the country are anxiously waiting for the disposal of this question. Therefore earlier this Bill is passed into law the better it is, for delay is dangerous.

MR. K. M. KRISHNAN (*Ambalapuzha II*) : സർ, ഞാൻ ഈ പ്രമേയത്തെ അനുകൂലിക്കുന്നു. ഒന്നുമില്ലാതെയിരിക്കുന്നതിനെക്കാൾ സ്വല്പം വല്ലതും കിട്ടുന്നതാണെല്ലോ നല്ലത്. ഈ ബില്ലുകൊണ്ട് അല്പസ്വല്പം ചില ഗുണങ്ങൾ മാത്രമെ അധമർണ്ണന്മാർക്കുള്ളു. കൂടുതൽ ഗുണം ഉത്തമർണ്ണന്മാർക്കാണ് കിട്ടുന്നത്. ഏതായാലും അല്പഗുണം കിട്ടുന്നത് കളയാതിരിക്കണമെന്നുള്ള വിചാരത്തോടുകൂടി ഞാൻ ഇതിനെ അനുകൂലിച്ചുകൊള്ളുന്നു.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : I support the motion. I have to make just one observation.

This Bill has had a rather chequered career. At this stage, when we are concluding our labours so far as this Bill is concerned, permit me, Sir, to pay our compliments to our learned Law Member.

Sir, whatever might have been the attitude he took—some might call him very hard hearted, others may say that he is viewing it through the spectacle of a lawyer —whatever it is, the consistency with which he has been piloting this Bill from the start has been marvellous. Sir, he never budged an inch. He stuck to his gun, right up to the last moment. A word of praise is really due to the Law Member for the consistent attitude he took in regard to this Bill. Before I conclude, I wish to bring to the notice of this House and through the House to the Government one point. Our legislative activity has been beset with one baneful result. We have been copying from British India several measures whether we wanted them or not. But after passing those

[Mr. Pacode A. Narayana Pillai.]

measures we used to leave them severely alone. The various rules necessary for implementing these measures are never passed in time. As an instance I shall bring to your notice one outstanding measure which at the time of its passing was hailed with great jubilation. I refer to the Travancore Village Panchayat Regulation. This was passed as early as 1100. The authors of the Bill wanted to create Panchayats in every village in Travancore. But only a couple of years ago Government started four or five Panchayats as an experimental measure. That experimental stage is not yet over. If we pass laws like this and leave them alone without implementing the provisions of these measures, even what little good we hope to get out of them will not be available. So I appeal to this House and through this House to the Government that the necessary forms and rules prescribed by this legislation be immediately framed so that whatever benefit this Bill is intended to confer upon the people might be enjoyed by them at an early date.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I also wish to add a word in support of the motion. I join my friend in congratulating the Law Member for piloting a Bill of such a nature so successfully through this House. I have to add that this Bill calls for emergent action. I would request Government to see that this Bill is passed through the other House also at the earliest opportunity and that it is passed into law without any delay. The matter is very urgent and debtors, creditors and the general public are kept in suspense. I only request the Government to see that the Bill is brought into effect at the earliest possible opportunity.

MR. N. E. VARUGHESE (*Tiruvalla I*): Sir, I oppose the motion. From the very start I took a pessimistic view about this matter. The provisions contained in the original Bill were quite inadequate to meet our wishes. I tried to move certain amendments in the Select Committee but I could not carry them. At the second reading stage I hoped that I would be able to do so. I had some hopes that the provisions of the Bill as altered at the second reading would give some relief to the agriculturists. But now the Bill has been restored to its original position. During the course of the discussion in this Assembly I am sorry I had to express an opinion that I suspect the sincerity of the Government in this matter. I may be pardoned for such an expression. If I have to repent for that expression, when it is ultimately found that I was mistaken, I will be the first to come forward and do so. The provisions concerning concilliation and the establishment of Conciliation Boards are not at all satisfactory. I have no faith in Conciliation Boards as I had stated in my note to the report of the Select Committee. I do not believe that the Bill as it stands now will be of any good to the agriculturists.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): Sir as the Chairman of the Select Committee which sat on this Bill it is my duty to express my approbation and admiration of the manner in which

the Law Member and the other members of the Select Committee did their work. As I said yesterday we had many prolonged sittings. We had to adjudicate upon conflicting principles without ignoring the claims of law, economics, politics, and every subject which came under the purview of this Bill. This Bill will emerge from this House in a form which I trust will meet with the approval of the world. As an equitable compromise between conflicting claims of creditors and debtors for the good of the country this measure will be approved by all. The Government has been anxious to push it through by convening emergent sessions of the Assembly. In this particular case the promptitude of Government is commendable. I would appeal to the House to pass this Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I must at the out set express my sincere gratitude to the honourable members for their kind words in regard to me. It is not necessary for me to deal at length with the details of the Bill. I see that debtors as well as creditors are dissatisfied with this Bill. If both of them are dissatisfied, Government, I believe, must be right in getting this Bill passed. Some members were opposed to Clause 34 of the Bill and they went to the extent of saying that the Bill may be thrown out if Clause 34 is to remain. If my view is right, this Bill will help the poor man, the poor toiler who is the backbone of the country. And it is he that should be helped by this House. I hope the House will vote in favour of my motion.

The motion was put to vote and carried.

(At this stage the Deputy President took the Chair.)

THE TRAVANCORE BOILERS BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, the Travancore Boilers Bill has passed the consideration stage and the motion for passing the Bill has not yet been passed. When I made the motion on the last occasion there was certain objection in regard to the short title of the Bill. I wish to disarm that opposition by bringing a motion myself for amending the short title. In view to that, I beg to move the following amendment:

"*In Clause 1, sub-clause (i), for the figure* '*1110*' *substitute the figure* '*1112*' ".

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*) : I second it.

The motion was put to vote and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I beg to move that the Bill as amended be passed into law.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*) : I second it.

The motion was put to vote and carried.

THE TRAVANCORE RUBBER CONTROL BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to present the Report of the Select Committee on the Travancore Rubber Control Bill and move that the Bill as reported be taken into consideration.

MR. C. V. CHANDRASEKHARAN (*Ag: Director of Public Instruction.*): I second it.

(At this stage the President took the Chair)

PRESIDENT: Moved and seconded that the Bill be taken up for consideration.

MR. S. J. NAIR (*Nedumangad*): I oppose the motion. I move that the Bill be dropped. This Bill is intended to control and regulate the extension of the cultivation of rubber in Travancore by a legislative enactment. If it is done in that manner it will cause a great deal of hardship to the ordinary poor agriculturists. In this connection I would like to quote a sentence from the booklet of His Excellency Marquis Linlithgow, the present Viceroy of India. It is contained in his recent booklet "The Indian Peasantry."

It runs as follows:

> "India's" wealth in an overwhelming degree is her agriculture............The peasant now as ever is the chief source and creator of both her wealth and her greatness."

If this is true of India it is equally true, perhaps more true, of Travancore. Travancore is purely an agricultural country. The major portion of the people of Travancore have only one profession to pursue, namely the agriculture. They pay tax for the enjoyment of their lands. The only independent profession they can pursue is agriculture. Every man though he is a trader or banker or an agriculturist he has to follow the profession of agriculture. In Travancore their is no special class as the money lending class or the banking class. Every citizen is an agriculturist. To deny an agriculturist the right to cultivate his land as he pleases, is denying his right of citizenship. He has been paying the tax for the enjoyment of land in the belief that his right to cultivate the land would never be curtailed. He has every right to enjoy the land as he pleases. To deny the right of cultivating rubber in such lands is very hard. I can even say that denial is equal to a high-handedness. This piece of legislation is illegal because it affects the right of a citizen. The right of the citizen to cultivate his land should not be curtailed by any sort of enactment. It is his birthright so to say. It is his birthright that he gets a right to cultivate the land for the tax he pays. The fact that he shall not cultivate such and such land for such and such purposes, in his enjoyment, is to deny the right of citizenship directly and indirectly. So I submit that it invades the right of the citizen of the State to a very great extent. This Bill if I may be permitted to say is intended to protect the special interest of a particular class of people in the State. Here in Travancore persons who follow agricultural pursuits as a result of their labour are not getting any remuneration worth the name excepting the planters. Some years back a few Europeans came to Travancore and began this planting

business. They set an example and we are thankful to them for having demonstrated to us the usefulness and the profitable nature of rubber cultivation in the State. As years went on, some of our people also took advantage of that sort of avocation. Now they also have begun to be benefited as a result of this rubber planting. Due to various reasons, not only in the Indian market, but in the world market so to say for causes such as political, economic, social, agricultural, etc; that are beyond the control of individuals or particular nations the price of rubber also went down so much so that the rubber planters also found it very hard to continue their cultivation.

PRESIDENT : I did not quite catch what the honourable member was aiming at. Now I take it that he is moving his amendment. I do not call it an amendment that the Bill be dropped. Under what provision of the Standing Orders does the honourable member move that ?

MR. S. J. NAIR (*Nedumangad*) : I am opposing the motion that is brought forward by the Law Member.

PRESIDENT : Under what provision of the Standing Orders does the honourable member move his amendment that the Bill be dropped? The honourable member must remember that after the presentation of the final report of the Select Committee on a Bill, the member in charge of the Bill may move that the Bill as reported by the Committee be taken up for consideration. The procedure is that any member may object to it or move certain amendments to the Bill.

MR. S. J. NAIR (*Nedumangad*) : That this Bill may be sent back to the Select Committee is the conclusion I am going to arrive at.

PRESIDENT : But that is not the motion. The honourable member should realise that if that be so he might move a motion that the Bill be recommitted either without limitation or with respect to particular Clauses or amendments, etc., as is provided under the Rules. The motion that the Bill be dropped is not within the scope of the Rules. That being so how does the member justify his motion ?

MR. S. J. NAIR (*Nedumangad*): I submit that in the conclusion that is going to be arrived at I will express in that manner.

PRESIDENT : But the honourable member is speaking on a motion that the Bill be dropped. I am asking how he justifies that particular motion.

MR. S. J. NAIR (*Nedumangad*) : No, Sir ; I do not justify that.

PRESIDENT : With great reluctance I must ask the honourable member to stop his remarks at this stage and wait for another occasion when he can say what he wants to say on this Bill. The motion now is that the Bill as reported by the Select Committee be taken into consideration.

MR. S. J. NAIR (*Nedumangad*) : Sir, I oppose that motion. I submit that this Bill would cause great hardship to the interests of agriculture in the State. For various reasons in recent times considerable difficulty and loss are being caused to cultivation.

PRESIDENT : Again, does the honourable member move that the Bill be recommitted or does he oppose the motion ?

MR. S. J. NAIR (*Nedumangad*): I move that the Bill be recommitted.

PRESIDENT: Then you may move it as a formal motion.

MR. S. J. NAIR (*Nedumangad*): I oppose the motion of the Law Member and beg to move that the Bill be recommitted.

MR. N E. VARUGHESE (*Tiruvalla I*): I rise to a point of order. We are not supplied with copies of that motion.

PRESIDENT: The honourable member will see that if a member in charge of the Bill makes a motion that it be taken up for consideration any member can move an amendment that the Bill be recommitted according to the Standing Orders. Therefore Mr. S. J. Nair is in order.

MR. S. J. NAIR (*Nedumangad*): This Bill as it is framed denies the right of the citizens of the State to cultivate the lands within their hold and for which they pay land tax as they please. So long as they enjoy a right it shall not be open to deny cultivation by an enactment. It is harmful to the interest of the citizens. Such a denial of the birthright is not at all conducive to the interest of the vast general masses. This would go to a great extent against the free enjoyment of lands. Secondly, in recent times due to fall in prices of agricultural products, rubber plantation alone has become a profitable concern and the people who think of benefiting themselves by this sort of cultivation is sought to be denied by a ruthless legislative enactment as this. Thirdly, so far as the scope for the cultivation of rubber is concerned, the State has abundant resources. In the Indian Empire, only Travancore, Cochin and Malabar have rubber plantations. In the near future there would be a great demand for rubber in India. In Travancore, thanks to the good work that the Government have done by starting a rubber factory, I understand rubber articles are being manufactured in plenty in our factory. There is greater scope for the development of that factory by starting fresh factories in other parts of the State. India is a vast continent and if Travancore produces finished articles on rubber such as, rubber tyres, tubes, sheetings etc., I am sure there would be great demand in the Indian Empire for these articles. Travancore will be in a position to advertise her products and thereby meet Indian demand. When that becomes an accomplished fact there is great scope for rubber and for establishing additional factories in the State.

By starting additional factories in the State a great portion of the rubber that we can produce in Travancore can be consumed. Moreover the Dunlop Company has already started a rubber factory at Calcutta with a capital of 50 crores of rupees. The Dunlop Company is one of the most famous companies in the whole world. They have got plenty of money to be spent for the purpose of working out that factory. Malabar coast being the only rubber producing country in the whole of the Indian Empire and Travancore being the first and foremost country in the matter of rubber production, I am sure there will be a great demand for rubber from the Dunlop Company. So, if we view things from any point of view I am sure that the rubber cultivation alone has got a wider scope so far as the agricultural pursuits in Travancore are concerned. And such being the case the people of Travancore should

not be denied the right of cultivating rubber. Now I may be asked by the Law Member or by any other gentleman that, since our Government has entered into an agreement in the matter of International Rubber Restriction Scheme whether we are not by honour bound to adhere to this piece of legislation. My submission to that is this. Government has entered into such an agreement behind the back of this Legislature. Whatever might be the conditions under which Government has entered into that agreement, so long as it has entered we are prepared to support Government. Without this piece of legislation that agreement can very well be honoured and accepted. If certain provisions are adopted to the effect that in future those who plant rubber shall not have the right of getting "quota" for the purpose of exporting rubber to foreign countries that agreement could be honoured. As a result of the agreement that we have entered into we are given the right of certain quota for the purpose of exportation. Accepting that agreement, certain other provisions could be made in the Bill by a Select Committee if it is referred to another Select Committee, in such a way as to enable all the agriculturists in the State who are desirous of doing so to cultivate rubber. A condition may be imposed that those who cultivate in future or after such and such a date shall not have the right of demanding and getting "quota." Even without quota we will have a good market for the rubber that we will be producing if we are permitted to cultivate rubber in the State. So in the interest of the agricultural development in the State and to benefit the people I request that the Bill be recommitted to a second Select Committee.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know what is it that the honourble member wants the subsequent Select Committee to do with regard to this Bill? Has he got any further directions?

MR. S. J. NAIR (*Nedumangad*): The Select Committee should amend some of the provisions of this Bill in such a way as to permit the agriculturists in Travancore who are desirous of cultivating rubber not to have the right of claiming "quota" only in respect of future plantations.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Cannot that be done by moving amendments at the second reading of the Bill?

PRESIDENT: I think the honourable member has made it perfectly clear.

The motion is not seconded. So it falls to the ground.

CLAUSE I.

MR. S. J. NAIR (*Nedumangad*): Sir, I move that:—

"*In Clause 1, sub-clause (3), delete the words "and for such..................Gazette" that occur after "December 1938.*

By deleting the expression the sub-clause would read like this:—

" It shall come into force on such date as Our Government may appoint in that behalf by Notification in Our Government Gazette, and thereafter, shall remain in force up to the 31st day of December 1938".

[Mr. S. J. Nair]

The object of my motion is not to give this Bill a permanency but to see that this works only as a temporary measure. It is stated in the statement of objects and reasons that this Bill was brought forward for the first time by the Law Member because the Government has entered into an agreement in the matter of International Rubber Restriction Scheme. That condition can be adhered to even if this motion is accepted. By accepting this motion the right of the people of the State to cultivate rubber in future is not denied. In the interest of the agricultural population of the State, rubber cultivation being the only profitable agricultural pursuit in the State to-day as it was sometime back and as it would be in future, it is essential on the part of the Government to see that the right of cultivation is not restricted. For that reason I move this amendment and appeal to this House to accept it.

MR. K. R. ELENKATH (*Kalkulam I*) : I rise to second the amendment. The object of the scheme is to bring the Rubber Control Bill in conformity with the Rubber Control Act in British India. By adding the Clause as is provided in the Bill "and for such.........
Gazette" the Legislature is deprived of the privilege of judging and deciding, after watching the conditions which may obtain hereafter, whether the same law should be continued or revised in the light of the possibilities for the extension of and to the advantage of rubber cultivation in the State. Mr. S. J. Nair referred to the enterprise of the Dunlop Company in North India. When their scheme materialises it is expected to be a very big concern and may consume a very large quantity of the rubber that is produced in this State. The provisions of the legislation which we are now going to make should be enacted only on consideration of the circumstances prevailing at the present time. There can be no doubt that the Rubber Control Bill is essential in so far as Government has already entered into an agreement with the International Rubber Control Committee and in view of the fact that our rubber cultivators have begun to enjoy the benefit of it by getting higher prices for their produce. As it is, the terms of the agreement should continue and it will be open for revision only in 1938. How can we anticipate the condition that may prevail after 1938 ? Why should not the Legislature be taken into confidence by the Government by calling upon it to perform its duty after the period for which the necessity for the present scheme has arisen ? To me it seems that Government should take this Assembly into its confidence for advising it when such a necessity arises or a revision is found necessary.

On that ground I object to the Government taking into its hands powers for continuing the operation of this Regulation for any indefinite period according to its pleasure.

MR. J. W. TOLSON (*Travancore Planters*): I rise to oppose the amendment of Mr. S. J. Nair. To me it seems that the honourable member Mr. S. J. Nair wants to have his cake and to eat it at the same time. As you are all well aware restriction came into being at the mutual desire of all Rubber Growers in 1934 when the price of rubber had fallen to 2½ d. It is now 8½ d. This Bill is required to implement this agreement and by its introduction the Government are carrying out their promise to the International Rubber Regulation Committee. Owing to trade depression, restriction of output has been agreed to by the producers of tea, tin and copper as well as rubber and these agreements are made for the good of all. I ask this House in considering this Bill not to look to what they can do or get now but in the spirit of appreciation of the benefits accrued and to refuse the amendments and pass the Bill as it stands. I would draw the attention of the House to the present position in India where due to restriction the producers have virtually a tariff protection for their home market. If you do away with Rubber control where does India come in? Her potential basic crop is roughly 15,000 lbs. whereas the Dutch East Indies have produced 255,000 tons; Malay 455,000 tons and Ceylon 85,300 tons.

The position would be that Travancore with 95,000 acres would lose her home markets. The crop obtainable in Travancore is from 350/400 lbs. per acre against 1000/1500 lbs. per acre in Java and Sumatra.

MR. PACODE A. NARAYANA PILLAI (*Vilavancod*): Is it a fact that the International Restriction Scheme works in the interest of the whole established growers against small growers?

MR. J. W. TOLSON (*Travancore Planters*): It is for the good of all. It is not against anybody. It is maintained in the interest of all growers of rubber. The question of cost of production would undoubtedly rule her out into a care and maintenance basis. Sir, I appeal to you and to this House to pass this Bill and by so doing show the appreciation of Travancore for the benefit which has accrued to her.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I support the amendment moved by Mr. S. J. Nair. I accept all that has been said by the honourable member for the Planters' constituency. I am of opinion that we must co-operate with the International Rubber Restriction Association. The present amendment does not refer to that. It is only for the deletion of certain words which delegates to the Government the functions of this Legislature. If this is allowed it will be open to the Government to extend the period of this law to any length of time. Sir, not that I mistrust Government—I am sure that the Government will look to the interest of the general public in the matter of the extension of the period. But it will always be better that Government afford a chance of ascertaining the views of the Legislature as well as the general public before granting any such extension.

[Mr. A. S. Damodaran Asan.]

All the sides of the question could be placed before the Government by this House and it is not very difficult for Government to get the period extended through the Legislature itself. I do not find any reason why this part of the Clause should not be allowed to stand. Sir, I shall draw the attention of the House to one or two of the Clauses to show that if the power to extend the period is given to Government it is bound to work prejudicially to the interests of the planters of the country.

In Clause 4 (2) it is stated: "The total area in Travancore in respect of which permission to plant rubber may be granted shall be such area, being as nearly as may be one quarter of one per cent of the total area in Travancore which was planted with rubber plants on the 1st day of June 1934, as Our Government by Notification in Our Government Gazette, may specify in this behalf." Probably, one quarter of one per cent of the total area was prescribed with the idea that the Bill is to remain in force till the 31st December 1938. If the period is further extended power is not given to Government to change this Clause and to increase the percentage or to alter the date "1st June 1934."

Similarly in Clause 5 (*b*) also we find the following: "No person shall be permitted to replant more than twenty per cent of such area in or before the 31st day of December 1938." There the restriction with regard to planting only extends till 1938. Is the restriction on replanting not to be continued at least as far as that Clause goes, after that date. I find that these two Clauses support my position. If this Clause is allowed to be passed an explanation will have to be offered by the Government in bringing forward another Bill before 1938 for extending its provisions. So I am of opinion that it will be fair to delete that part of the Clause. I might once more assure the House as well as those who are specially interested in the rubber plantation that all the institutions in the country should co-operate for the promotion of our industries.

I am for co-operation with other institutions for the promotion of our industries.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): May I know whether Mr. Asan has looked into the British Indian Act?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): In the British Indian Act also we find the same Clause. That is why it occurs here. In the statement of objects and reasons it is stated that the Law Member has adopted the provisions of the British Indian Act. But there, we find so many other provisions with regard to the export of rubber.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Suppose it is found that on the 31st of December 1938, for the purpose of respecting the agreement to which Travancore is a party, further extension of this restriction is necessary and then, is it the member's suggestion that Government will have to bring another Bill and pass that Bill through all these stages?

MR. K. PADMANABHAN (*Chirayinkil I*): I raise a point of order. Is it up to this House to take an independent position in regard to the year 1938 in the matter of rubber restrictions.

PRESIDENT: It is not a point of order.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): My submission with regard to this point is this. The International Rubber Restriction Association will take into consideration whether the period has to be extended or not long before the 31st December 1938. There is absolutely no reason why they must wait till the 31st December 1938 for such a step. The Government of India imposed restriction on rubber export and plantation in 1934. We are considering the same thing only now. It has been urged nowhere, either by the Rubber Restriction Scheme or by the Government of India, that this very long delay of more than two years has very much prejudiced their calculations. The Rubber Restriction Scheme is intended to restrict the export of rubber. The restriction in regard to the plantation is only an incidental step taken to assure that increase in plantation will not lead to a further demand for increasing export. We are not concerned with the export of rubber, because the Government of India has passed Regulations and we are bound to follow. We are only concerned with the restrictions of planting and when that question was considered by the Legislative Assembly, it was made clear that the restriction on plantation is made for the further assurance of restricting the export.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): If such a contingency occurred is it the member's opinion that another Bill should be sought?

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum - Urban*): I wish to speak a few words. My friend Mr. Asan is apprehensive of the possible course of action taken by the Government. I should also have subscribed that opinion if the Government is to be invested with authority to pass a set of rules on the subject. The rule-making power of Government does not command the appreciation of any Legislature. A few years back Lord Hewart severely criticised that power. In England it has created a good deal of dissatisfaction as it has done in Travancore or in British India.

I oppose Mr. S. J. Nair's amendment for this reason, that fixing a time is only determining a question of fact. There is no question of principle involved in it. The Government is in a better position than the Legislature to find out the conditions of trade and to enter into negotiations with other Government. The presumption is that in a matter like this, where the sole interest of Government is to prevent losses to intending planters and to ensure some kind of relief to those who have committed to it their capital, I think there is nothing wrong in permitting Government to prescribe the date. In every civilized country the attempt seems to be to place some restriction on production and even on distribution. As regards marketing conditions I maintain that unless the State is prepared to put trade under regulation, the people are bound to suffer. A rule of the road "Keep to your left" does not mean that there is any infringement in the rules of locomotion. In the same way, Government realised that it is necessary to tell intenting planters

[Sadasya Tilaka T. K. Velu Pillai.]

"well, look here, if you begin to plant now it would be detrimental to your interests and to the interests of the State. Do not spend your money. Do not borrow and invest in rubber plantations". I cannot forget that when the depression was acute people who were till then rolling in wealth, those who were at the pinnacle of opulance some time ago, were obliged to borrow money for meeting ordinary demands to pay their fare to keep life going. But after the rubber control I find their faces are a true index to their prosperity. I therefore once more say that if anybody in Travancore or any set of men in Travancore plant rubber as they like, they will lose heavily and the benevolent Government; I use the word in the technical sense of the term is certainly interested in finding the actual conditions. With regard to the time I think the authority to fix it is innocuous, it is wise, and it is absolutely necessary. Therefore, Sir, I oppose the amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether it is not worse to allow the amendment of an Act than to allow a rule-making power to Government.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum Urban*); If it is a rule-making power I should have opposed it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The reason for promoting this Bill is that Travancore has become a party to what is called the International Rubber Restriction Scheme. British India took part in this and acted also for Travancore. We have agreed to it. Certain legislation has already been enacted in British India in furtherance of the scheme. It is our duty to pass an identical legislation here. This scheme came into operation in June 1934. We are in 1936. Any further delay on our part would be viewed as lack of sincerity. It is therefore that we have to pass a legislation which is identical with that which has been enacted in British India. All the countries that are parties to the scheme have passed laws and it is one of the terms of the common agreement that we should also pass identical legislation.

MR. S. J. NAIR (*Nedumangad*): May I know whether as a result of the agreement the people who have not got the right quota could export rubber from Travancore to British India? The answer will be much useful. The copy of the scheme is with Government. So I put the question.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) Sir, under the International Rubber Restriction Agreement Travancore has undertaken certain obligations to limit its export to other countries Travancore has undertaken also to enact legislation for restricting cultivation. Although Travancore began to get the benefit of the scheme from June 1934, it is now more than 2 years after that we are trying to legislate. It is necessary that we pass a legislation which is identical with that passed in British India.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know what prevented Government from expeditiously passing the legislation in 1934 without giving room for suspicion ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): We thought that the export quota allotted to Travancore was not adequate and we were attempting to get it revised. We succeeded and then introduced the Bill.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Is there any guarantee that the position of our problems with regard to this matter will be the same after Travancore has entered into Federation ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is far out of the province of this Bill. I am concerned only with the International Rubber Scheme.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Sir, a word of explanation. Now the Government has taken a certain position with regard to the International Rubber Restriction Scheme. I want the Law Member to give us an assurance, before we are called upon to vote for this provision., that the position of our problems would be the same in the year 1939. Of course if every thing goes alright Travancore would be a party to the Federation. May I know that the position of Travancore will be the same then, as it is now?

PRESIDENT : Does the honourable member ask the question assuming the possible contingency of Travancore in the All India Federation? The honourable member may elucidate his statement.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): It is not an assumption, Sir. We know the present position of Travancore. I want to know whether there will be any change in it when she becomes the partner of the All-India Federation?

PRESIDENT : The member will please make it clear what apprehension he is entertaining so that an answer might be given him.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : I want to know whether the attitude of the Travancore Government in regard to International Rubber Restriction Scheme will change after Travancore becomes a partner of the All-India Federation.

PRESIDENT : Before the honourable member asks for the information, he should elucidate what alteration in the position can possibly ensue as a result of Travancore joining the Federation. Unless he makes that clear, how could he expect an answer for this question ? The honourable member will please elucidate his point, if he wants an answer.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): It is seen from the Statement of Objects and Reasons of this Bill that the idea is that Travancore should fall in a line with British India in enacting a measure like this. Clause 1 of this Bill says that this measure will operate only till the 1st of January 1939. What are we going to do from that date? Of course, there is provision enabling the Government to extend the period of operation of this measure.

PRESIDENT: Is it the member's apprehension that Travancore will give up her right of legislation to the Federation?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): My apprehension is that the position of Travancore will change when she joins the Federation.

PRESIDENT: Is it the idea that Travancore will extinguish herself in the matter of legislation?

Law Member.............

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): I rise to a point of order.

PRESIDENT: Law Member.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Travancore will always honour her obligations, whether she joins the Federation or not. That is the answer that I have to give to Mr. Pacode Narayana Pillai.

I was saying, Sir, that Travancore became a party to the International Rubber Restriction Scheme; she has therefore to keep up her obligations. One of the obligations is to limit the export of rubber; another is to limit the cultivation of rubber. There was also the obligation that Travancore should enact a legislation on lines identical with the legislation elsewhere. Mr. Asan was perfectly right when he said that in this matter whe have practically adopted the British Indian Enactment. Clause 1 (3), of the British Indian Enactment says —

> "1 (3). It shall come into force on such date as the Governor-General in Council may, from time to time, by notification in the Gazette of India, appoint."

The scheme as at present will be in operation only till the end of 1938. It is however expected that it may be extended for further periods. If so the law must continue and Government must be given the power to extend the period of this law.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*). Is the Law Member sure that the present agreement will not be revised in any manner?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): We cannot say. If it is revised, surely, Government will come to this House for revised legislation.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether, if the conditions of the agreement are changed, there will be any necessity for the Government to come to this House again, in the light of the provisions of this Bill?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There may be.

MR. K. R. ELENKATH (*Kalkulam I*): Is it obligatory on the part of the Government to come to this House for any legislation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If the identical conditions continue, there will be no necessity for the Government to come to this House for fresh legislation, since the Government are given the power to extend the period of the present law.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : I want to speak a few words in this connection. (*Louder please*). The International Rubber Restriction Scheme was brought into force because it was found that the production of rubber far exceeded the demand. There was a time when there was a boom in rubber and a large area was then brought under rubber cultivation in Travancore as well as in in other countries. Thus the output of rubber went on increasing in excess of the demand. No doubt there was a slight and gradual increase in demand also but the increase in production was so rapid and large that it far exceeded even the increased demand. Naturally, the price of rubber which was Re. 1 and more per pound went down to about two annas or so. The cultivators found it absolutely useless to produce any rubber because the actua lcost of production was itself two annas or more. It was under such circumstances that the International Rubber Restriction Scheme was brought into force with the object of restricting production as well as export. It is not the intention of the International Rubber Restriction Scheme to keep the restriction for ever. Under the present arrangement it will operate till the end of 1938 ; if necessary the period may by extended for another five years or more. The time will come when the supply will become equal to the demand and the price which now rules will be stabilised. The object of the restriction is to stabilise the price at a reasonable level so that the cultivator may have a decent margin of profit. Rubber now sells at about 7 annas a pound. I think that if it sells at anything between 7 and 8 annas per pound, the cultivator will be able to make a decent profit. It is to keep the price at this level that the cultivation and the export of rubber are sought to be restricted. If before the price is stabilised the restriction is removed and people are allowed to clutivate rubber as they like, as my friend Mr. S. J. Nair wants, the production of rubber will increase and world stocks will accumulate, and naturally, as soon as the restriction is removed, the price will fall and there will again be a slump. Therefore, until a stable equilibrium is established, the restriction may have to be continued. That is why provision is made in the Bill empowering the Government to extend the operation of this measure even after the 31st December 1938. But it will be done only if the International Rubber Restriction Committee extends the period of restriction. If they do it, naturally, Travancore will have to follow suit. If stable equilibrium is reached early, there will be no necessity to extend the period of restriction at all.

MR. S. J. NAIR (*Nedumangad*) : Is the member aware that outsiders now come here and purchase rubber not covered by the quota system, take it away to British India and make use of it ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : Yes, they do.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): I oppose the amendment.

(At this stage the President left the Hall and the Deputy President took the Chair.)

It is conceded by the mover as well as by the seconder of the amendment that at least till the end of 1938 this measure should be in force. No objection has been raised with regard to that. Objection has been taken to giving the Government the power to extend the period of operation of this measure still further. The only question is whether Government could be given that power or whether they should be compelled to come before this House again in case the period of operation of this measure has to be extended.

Now, Sir, what is the factor that should determine whether the period of the operation of this Bill is to be extended or not? Certainly, it is the decision of the International Rubber Restriction Committee. If they decide to extend the period, we have also got to do it. Therefore, I do not see any reason at all why the Government should be forced to come to us again for the purpose of extending the period of operation of the same measure.

MR. P. C. KURIYAN (*Kottayam I*): Is it the member's position that we have no right to take an independent stand?

DEPUTY PRESIDENT: I did not hear you, Mr. Kuriyan.

MR. P. C. KURIYAN (*Kottayam I*): Is it the member's view that Travancore cannot take an independent attitude in this matter?

DEPUTY PRESIDENT: That is a matter of opinion anyhow. If the member is inclined, he may answer.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): The question will be whether there is necessity for extending the restriction. This will be decided by the restriction committee and not by us. We have only to fall into line with the International Committee's decision. Mr. S. J. Nair said that every land owner should have the right to cultivate his land with rubber when the price of rubber is high. Mr. S. J. Nair forgets that the price has increased on account of restriction and if we do anything which will in any way impair the scheme of restriction the prices will again fall and there will then be no use of extending our plantations. All that we should do is to support the scheme as much as possible. Otherwise we shall be losers.

In regard to the delay in passing this measure I must say that a deputation of rubber planters waited on the Dewan and prayed that no action be taken under the scheme until the quota for Travancore is revised. The quota has now been revised. At one time it stood at eight thousand tons. Now it has been raised to twelve thousand tons. So the rubber planters have been benefited. For these reasons I think the amendment should be rejected.

MR. S. J. NAIR (*Nedumangad*): Sir, I may be allowed to explain certain matters.

DEPUTY PRESIDENT : If you think that an explanation is absolutely necessary I will allow you to speak once again.

MR. S. J. NAIR (*Nedumangad*) : I do not think that the agreement that the Government of Travancore have entered into with British India for the restriction of export of rubber should be denied. We solemnly affirm it. But all that we say is that the restriction must be for the production and export of rubber. The agreement is not a permanent agreement. It will have force only till 1938. So if my amendment is accepted it will not in any way affect the agreement. On the other hand it will benefit the interests of thousands of cultivators in this State. So I appeal to this House to accept my amendment.

The amendment was put to vote and lost.

The question that Clause I do stand part of the Bill was then put to vote and carried.

The Clause was added to the Bill.

Clause 2.

MR. S. J. NAIR (*Nedumangad*) : Sir, I move the following amendment.

In Clause 2, sub-clause (c), add the words ' owner or ' between the words ' any ' and ' agent '."

If the amendment is incorporated in the sub-clause it will read as follows:

" Owner includes owner or any agent of an owner."

It is not very clear whether the sub-clause as it stands now will include the owner himself. The definition is very vague. The definition should be definite.

DEPUTY PRESIDENT : Unless the member can show the difference in sense between the clause as it stands and as he seeks to amend, I shall have to rule out the amendment.

MR. S. J. NAIR (*Nedumangad*) : Sir, the definition ' owner ' as it stands in the Bill may not include owner at all. It may exclude the owner. In order to make it definite such an amendment is necessary. It is found in other legislations also.

DEPUTY PRESIDENT : The honourable member will realise that it will be an unnecessary duplication of words.

MR. S. J. NAIR (*Nedumangad*) : Sir, a definition of an expression must be very clear, logical and definite. In order to do so, I move this amendment.

MR. K. R. ELENKATH (*Kalkulam I*) : May I know what the member means by owner including owner ?

MR. S. J. NAIR (*Nedumangad*): I never said like that.

DEPUTY PRESIDENT : To my mind there is no meaning in saying owner including owner. I call upon the Law Member to explain the position.

MR. KAYALAM PARAMESVARAN PILLAY (*Additional Head Sirkar Vakil*) : Sir, the Clause as it stands is alright and no change is needed.

The amendment was with the leave of the House withdrawan.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : Sir, I move the following amendment:

"*In Clause 2, sub-clause (e), delete the words 'to plant' means to propagate a rubber plant from seed or any living portion of the rubber plant that may be used to propagate it and" in lines 1 and 2.*

My object in moving this amendment is to say that it is unnecessary to have any definition of the words 'to plant' in view of my amendment Nos. 12 and 19 to Clauses 3 and 6 respectively of the Bill. The amendment Nos. 12 and 19 are to the effect that the planting of rubber should be excluded from the operation of the provisions of this Bill. I submit that there should not be any provision in the Bill penalising the future or the past cultivation of rubber in Travancore. It is the legal right of an owner of land to raise any kind of cultivation he likes and also to exercise the rights of ownership in any way he likes without detriment to the enjoyment of the adjacent owner. Sir, in a land like Travancore where agriculture is the main occupation of the people I submit that there should not be any legislation to restrict the cultivation of rubber. Even if the Government wish to make any restriction they may do so in respect of the exportation of rubber from Travancore.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I rise to a point of order. I request a ruling on the question whether we are to decide this issue on this motion or whether we should take it up when we come to the Clauses relating to the planting of rubber. The present Clause relates only to the definition of the expression 'to plant'.

DEPUTY PRESIDENT : The definition of the words 'to plant' is in any view of the case necessary. But I consider that the appropriate place for discussing the matter of restriction of cultivation will be when the House takes up the Clause that deals with planting and the restriction to planting.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : Sir, I may be allowed to explain my position. If my amendment Nos. 12 and 19 are accepted there will be absolutely no necessity for having this definition.

DEPUTY PRESIDENT : That would be a case of putting the cart before the horse. We do not know whether the House will accept the other amendments or not. In any view of the case there is no harm in defining the word "to plant". If planting s to be restricted a definition is necessary and I hold that this is not the proper place for Mr. T. P. Velayudhan Pillai's amendment.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : Sir, I move the following amendment.

"*In Clause 2, sub-clause (e), omit the words "carrying rubber plants on the 1st day of June 1934, more than thirty rubber plants in any one acre" and substitute the words "that was planted with rubber before the 1st day of June 1934 as proved by convincing evidence."*

From the speeches of the Chief Secretary to Government and the Law Member the position has been made clear that already there is more rubber than what is necessary to meet the demand and hence the necessity for the restriction. Therefore there is no need to the

provision for replanting unless it is to safeguard the interests of those who had invested money in rubber plantations but was unfortunate to lose them either by neglect or wilful destruction.

DEPUTY PRESIDENT: My ruling to Mr. T. P. Velayudhan Pillai's amendment applies to this amendment also. There is a Clause dealing with replanting and that would be the proper place for discussing this.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I beg to correct, Sir. There the terms of replanting are dealt with, while I want to change the definition of the word '*replanting*' itself, which is defined as "to plant in any area carrying more than 30 rubber plants in any one acre." I want a change in the defininition itself.

DEPUTY PRESIDENT: In view of what fact?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): In view of the principle involved namely to give some help to the planter who had invested money on rubber planting but had unfortunately lost the same.

DEPUTY PRESIDENT; That is to say, irrespective of the other Clauses you want this change.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Yes, Sir.

The very fact that replanting is allowed is evidence to show that some help should be rendered to the man who had invested some money in this concern. My point is why should there be a restriction to replanting rubber only in an area of 30 rubber trees per acre. Generally in an area of one acre 100 to 250 trees could be planted. Why should a minimum of 30 be fixed? Under what principle has that been done? To me it appears, Sir, that it has been fixed arbitrarily. Once it is conceded that some help should be given to the rubber planter who had invested money and lost it, this restriction is not necessary. The rubber concern was a losing concern for a long time and as such the planter should not be put to further loss by restricting his cultivation as far as possible. If in a rubber plantation an area has been completely destroyed by wild fire or neglect of the area and if this restriction is applied, then that planter is hard hit. According to this provision the man who lost everything does not get the benefit of the law but the man who has saved 30 trees per acre gets the benefit of the law. Suppose a man had 50 acres of rubber plantation of which 25 acres have been destroyed and the rest 25 acres alone are in safe condition. According to this law he cannot replant the portion destroyed because there was wholesale destruction while the law would have allowed him to replant if he could save 30 trees per acre. The man who has incurred heavy loss by wild fire or neglect of trees, as the case may be, must have convincing records to show to prove his case that there was a plantation in existence. From my own experience I can say that several estates have been destroyed by neglect or wild fire through the carelessness of the neighbours. There have been criminal suits and suits for compensation from the opposite party in such cases. Besides there are government records collected by the revenue officers to prove the existence of neglected areas and destroyed areas. Now all these are evidences enough to convince anybody of the facts of the case.

[Mr. K. M. Kuriakose.]

Again Sir, there is another side of the question. The law does not want fresh plantations except for experimental purposes. Now if a man had planted 30 trees only in any corner of his compound, then according to this provision he is free to plant one full acre including the existing plants inspite of the fact that he had not planted that one acre previously and lost nothing. Now is that the intention of the law? The law wants only to help those who had suffered loss, while the provision as it is does not help them but at the same time helps those who do not deserve help. To me it appears to be a very incongruous situation. I therefore appeal to this House to consider this question very seriously and commend my amendment for acceptance.

MR. K. MADHAVAN (*Nominated*) I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose the amendment. "Replanting" implies that the area concerned must have already a sufficient number of trees. If in an area of 1,000 acres there is only one plant left after the destruction of the planting of the area, such an area cannot be "replanted".

MR. K. M. KURIAKOSE (*Muvattupuzha II*): What is the intention of the Regulation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): "Replant" means, plant in an area containing more than 30 rubber plants in one acre.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): What is the significance of the number 30?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): "To replant" means to plant in any area carrying rubber plants on the 1st day of June 1934......" If Mr. Kuriakose's amendment meant "that was planted with rubber before the 1st day of June 1934" I could have understood his position.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Could not the records of the planter show the area planted.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

But Mr. Kuriakose doet not suggest that the area concerned is fully planted with rubber. Is it the member's point that in the area of, say 1,000 trees, if all the trees had been destroyed excepting one, such area would be open to "replanting"? That will mean that even after the Regulation is passed everybody must be given the right to plant. If all the trees have been destroyed, how can that area be treated as a rubber estate?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): For that matter how can an area containing 30 trees be considered an estate?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. That minimum has been fixed by the International Rubber Restriction Committee. It is a Committee composed of experts. So we have adopted that formula.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Am I to take it then that we are not empowered to move any amendment because experts have come to an agreement ?

DEPUTY PRESIDENT: The Law Member's opinion on that point will not be of any advantage to you. That is a point for the Chair to rule.

The amendment was then put to vote and lost.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I beg to move the following amendment:—

> *"Substitute "31st day of December 1936" for the words "1st day of June 1934" in line" 3.*

The Law Member has been emphasising hat we are bound to accept word by word the British Indian Act and he has very much discouraged me by that statement. At the same time I am very anxious that when some conduct on the part of the Government has already generated suspicion in some quarters.........

DEPUTY PRESIDENT: How is the suspicion of people relevant to the discussion on the present point ?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I am saying that unless my amendment is accepted there is legitimate room to feel that we have enacted a law which cannot be effectively carried out. It is stated here that replanting means "to plant in any area of one acre where there were more than 30 plants on the first day of June 1934." So to regulate replanting there must be definite and reliable data with regard to the area carrying rubber plants on the first day of June 1934. In the absence of any such data on that question it is impossible to effectively carry out the provisions contained in Sections 4 and 5 of the Bill. With regard to our statistics of the cultivation of rubber we find that it is thoroughly unreliable. It is not proper to pass any legislation which would materially affect the parties on the basis of such statistics. I am just referring to the statistics of the Travancore Government for the years 1108 and 1109. In 1108 the area under rubber cultivation was 59,862 acres while in 1109 it was 95,832 acres and so there is a disparity of more than 36,000 acres, an error going up to about 60 or 70 per cent. This is not a matter which is strictly confidential. Even when the Rubber Control Bill was under discussion in the Legislative Assembly this incorrectness of the Travancore figures has been pointed out and that was advanced as a ground for revising the quota for South India. When that is the kind of accounts on which we have to proceed it is not proper that we must allow the first day of June 1934 to stand in the statute book. Much was heard with regard to giving retrospective operation in legislation. But here what we are asked to do is to forget for a moment or to forget for ever that after first day of June 1934 a much larger area was brought under cultivation. That, I submit, will tell upon the good faith of the Travancore Government.

DEPUTY PRESIDENT: You may be justified in questioning the correctness of the figures but not the good faith of the Government.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Not that I am questioning. Somebody else is likely to question. That is what I am submitting. There is every reason to suspect that. When there were persons to suspect the good faith of the Government even for the delay in briging forward this Bill, is it not possible that there would be so many other persons who entertain reasonable suspicions on the basis of the publications of the Travancore Government itself. Let us proceed upon facts and figures. So, my submission is that it is better to substitute 31st day of December 1936 instead of first day of June 1934.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I oppose this amendment. The effect of this amendment will be that plantations made after 1st June 1934 and before 1936 must be treated as legitimate plantations and it is also suggested that there are such plantations. That is a position which the Government cannot accept for a moment. The International Restriction Scheme was agreed to in May 1934 and came into operation on 1st June 1934. Therefore all the restrictions of production are sought to be related to that date. The restriction with regard to the cultivation of rubber is also sought to be related to the 1st of June 1934. If we have to conform to the agreement that Travancore Government has entered into we must legislate to the effect that replanting must be defined as relating to an area carrying 30 plants on the first of June 1934. That is the day that has been adopted in the Indian Act too even though the Indian Act was passed subsequent to that date. The Indian Act was passed on the 31st of August 1934. Even that Act has adopted 1st June 1934. The reason for that is obvious, because all the parties agreed that the scheme should come into operation on the first of June 1934 and that restriction with regard to cultivation also should come into operation on that date. That is the reason why we also adopt that date. The question of statistics has nothing to do with it. The Committee will enquire into each individual case; and see whether there were 30 plants or not in June 1934. On this point the statistics will not be of any use. When an application is made by an individual estate owner, an enquiry will be made with regard to that estate and if it is found that there were 30 trees on the specific date the application be allowed. As for the practical difficulty in ascertaining the number of trees on a previous date, that cannot be helped. But the members of the Committee are experts and they will ascertain it from the age of the trees perhaps. The important point to be borne in mind is that the scheme should come into operation with effect from the first day of June 1934 if we are to conform to the International Agreement.

MR. J. W. TOLSON (*Travancore Planters*) : The Rubber Restriction Scheme came into operation from the 1st day of June 1934. The Rubber Licensing Committee enquired into the acreage of rubber cultivation and on the figures supplied them quotas are assigned. Therefore although the Committee may be enquiring in 1936 they know exactly what area was planted in 1934.

The question of costs of production would undoubtedly rule her out into acre and maintenance basis.

Sir, I appeal to you and to this House to pass this Bill and by so doing show the appreciation of Travancore for the benefits which have accrued to her.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : I wish to withdraw the amendment.

The amendment by leave was withdrawn.

The question that Clause 2 do form part to the Bill was then put and carried.

The Clause was added to the Bill.

PART II.

MR. S. J. NAIR (*Nedumangad*) : Sir, I move that – "in the heading under Part II, delete the word that exists between "Control" and "Extension" and add the word "over".

The word that we find in the Bill is neither English, Latin nor Malayalam. The word as it stands is "cver".

DEPUTY PRESIDENT : I think it is a clear matter.

MR. S. J. NAIR (*Nedumangad*) : I want to make it clear.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That is a clerical mistake and I accept the amendment with thanks.

Clause 3.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : Sir, I move that:—

In clause 3 delete the words "shall plant rubber plants in any land or" in lines 1 and 2.

My object in moving this amendment is that it is unnecessary to have any legislation restricting the cultivation of rubber plant. Amendment No. 19 is also to have the same effect.

DEPUTY PRESIDENT : That is Clause 6. We are not concerned with that. Now proceed to Clause 3.

MR. T. P. VELAYUDAN PILLAI (*Tiruvalla III*) : Sir, my attempt is to exclude the cultivation of rubber from the operation of this Regulation. It is the legal right of the owner of every land to raise cultivation in his land in any way he likes. It is the legal right of the owner of every land to exercise the right of ownership as he likes. So there should not be any provision in the statute book restricting his right.

MR. P. C. KURIYAN (*Kottayam I*) : Sir, I rise to a point of order. Having agreed to the principle of the Bill can the House go back upon that?

DEPUTY PRESIDENT : I don't think there is any point of order in that. Mr. Velayudhan Pillai was advancing only a particular argument. He does not say that the House has no jurisdiction to take up this measure for discussion. And I rule that the amendment is in order.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): In a country like Travancore where agriculture is the maim occupation of the people I believe that it is inequitable and unjust to legislate any provision restricting cultivation. That is my submission, Sir. If Government wish to make any restriction with regard to rubber cultivation they may do so by restricting the exportation of rubber from the newly planted area Sir, so far as I am aware the Rubber Restriction Scheme relates only to the exportation of rubber to foreign places from British India. So, I say there is no harm in allowing the land owner in Travancore to cultivate rubber in his land. If it is restricted much harm may be caused to many, because I know as a matter of fact that several people in Travancore have registered lands in their names and have also purchased land from others for the purpose of cultivation.

MR. N. E. VARUGHESE (*Tiruvalla I*): Is there any other purpose served by rubber trees?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Rubber trees are made useful for growing pepper. Even for tapping the land owner may be allowed to grow rubber plants. He need not be given the quota certificate. He may get the benefit by selling the rubber in Travancore itself or in British India.

DEPUTY PRESIDENT: May I know whether it will not affect the price?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): No, Sir. It will not affect the price. Restriction applies only to exportation from British India to foreign places. Those who have registered lands in their name could not cultivate rubber in those lands on account of the prevailing economic depression. Now, days are better and they have got an idea to begin cultivation as originally desired.

MR. P. C. KURIYAN (*Kottayam I*): Sir, the Restriction Scheme restricts only the export?

DEPUTY PRESIDENT: It is not a matter of opinion. It is a matter of fact. Mr. Kuriyan will modify his question.

MR P. C. KURIYAN (*Kottayam I*): Sir, I want to know whether the Restriction Scheme restricts export or production?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): If the scheme restricts production it is illegal. Sir, to continue what I was saying, Government are realising every year the tax on the lands registered or purchased for rubber plantation from the land owners. Now these lands are lying waste. People have of late found out that rubber cultivation is a profitable occupation. At such a juncture Government are going to enact a law restricting the citizens of the State from cultivating rubber in their own lands; it is highly unjust. I appeal to the members of this House to accept my amendment.

DEPUTY PRESIDENT: Is there any honourable member to second it?

MR. S. J. NAIR (*Nedumangad*): I second it. In doing so, I submit for the information of this House that there are various instances where in certain compounds where there are no trees rubber plants are being planted and people grow pepper on those trees. So rubber plants are

very useful in cultivating pepper vines. Sir, the Rubber Restriction applies only to the export of rubber and not production. Suppose a great European war breaks out to-morrow and we get a big demand then for our rubber and rubber articles. But if this Bill is passed into law we become unable to cope with that demand. Moreover there are Rubber Factories in British India besides one that we have got here. There is a Dunlop Factory in Calcutta ; and in Mysore also there is a factory. We can supply the raw materials to these factories. And in India, only in the Malabar coast rubber is grown. We have to supply rubber for the whole of the Indian Empire. So my submission is that the cultivation of rubber should be respected and not restricted. Restriction should apply in regard only to the quota system. With these words I support the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose this motion. At the outset I may say that restriction of planting is an integral part of the Agreement. The Rubber Restriction Scheme was brought into existence with the agreement of all the participating countries. The scheme is not merely to restrict exportation of rubber but also to restrict production of rubber. Unless that is also retained, the scheme will become fruitless. One object of the scheme is to bring down the stocks of rubber, so that prices may be remunerative. For that purpose too production must be restricted. And it is an essential part of the scheme that each country should export only a limited quantity and should not make any further fresh planting. To bring the scheme to a success Travancore also must respect it and pass suitable legislation.

MR. J. W. TOLSON (*Travancore Planters*): Sir, I think it is very unjust to keep away from the scheme of restriction of rubber by deleting this particular provision from the Bill. Travancore is a country which has benefited by restriction. It cannot stand aloof when the outside nations are combining for the common economic welfare of all. For the rubber industry prosperous days are ahead owing to the operation of the Rubber Restriction Scheme. We must be thankful to the Restriction Committee and agree to help and carry out the scheme which is for the good of all.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the member whether the general public are interested by the raising of the price of rubber ?

MR. J. W. TOLSON (*Travancore Planters*): Certainly they will be benefited in an indirect way.

The amendment was put to the vote of the House and lost.

Clause 3 was then put to vote and passed and was added to the Bill.

Clause 4.

MR. S. J. NAIR (*Nedumangad*): Sir, I move that :—

In clause 4, sub clause (1), delete the words "intended for the cultivation of rubber plants for exclusively experimental purposes and such area shall in every case be limited to the area necsssary for such purposes", and add "under ten acres." If my amendment is accepted Clause 4 (1) would read like this:—"Permission under Section 3 to plant

[Mr. S. J. Nair]

rubber plants shall be granted only in respect of an area under ten acres." As the Clause now stands only the existing rubber planters are permitted to continue rubber planting hereafter. In other words, all those people, who are not rubber planters at present are permanently excluded from cultivating rubber in future.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I raise a point of order. This is going against the substantial decision that the House has arrived at already.

MR. S. J. NAIR (*Nedumangad*): The House has not decided the point.

DEPUTY PRESIDENT: Yes, it has been substantially decided.

MR. S. J. NAIR (*Nedumangad*): In which amendment, Sir?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In Clause 2.

DEPUTY PRESIDENT: The amendment may be new. But what is inside the amendment? It is not to restrict the production of rubber.

The member may have the opportunity to extend the scope of his opposition but it is now 5 O' clock. The House will now adjourn and meet again at 11 A. M. to-morrow as usual.

The House adjourned at 5·2 P. M.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Mulam Assembly.

PROCEEDINGS
of

THE TRAVANCORE SRI MULAM ASSEMBLY.

(*OFFICIAL REPORT.*)

FIRST ASSEMBLY.

NINTH SESSION.

Friday, the 20th November 1936/5th Vrischikam 1112.

The Assembly met again in the Victoria Jubilee Town Hall at Eleven of the Clock with the President in the chair.

QUESTIONS AND ANSWERS.

Sale of timber by the Forest Department.

56. * **MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) whether the system of the wholesale disposal of timber was in vogue in the Forest Department before the advent of the present Conservator of Forests;

(*b*) when the above system was introduced;

(*c*) whether, in the case of the wholesale disposal of timber, the contractors who bid the timber in auction pay up the whole amount before the auction is confirmed in their names;

(*d*) if the answer to part (*c*) is in the negative, why it is done so;

(*e*) how many contractors have given tender and how many of them bid the timber in wholesale auction in the Forest Department in the years 1105, 1106, 1107, 1108, 1109, 1110 and 1111 M. E.;

(*f*) the names of the above contractors; and

(*g*) whether those contractors are foreigners or Travancoreans?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (*a*) Yes.

(*b*) About 50 years ago.

(*c*) Yes. The contractors pay up the amounts as per conditions of the sale notices and agreements entered into with them.

(*d*) In view of the answer to part (*c*), this does not arise.

(*e*) A *list containing the names of successful and unsuccessful tenderers as could be gathered from the records of the Conservator's Office is placed on the table.

(*f*) and (*g*) The details are given in the list placed on the table.

**Vide* Appendix I—pages 244 to 246.

G. P. T. 1851. 350. 9-7-1112.

MR. S. J. NAIR (*Nedumangad*): Sir, with reference to the answer to part (*e*) given in Appendix I, may I know who are the persons in the list who bid timber in the wholesale auction?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Sir, the list contains the names of the persons who purchased the sale either by tender or by auction.

MR. S. J. NAIR (*Nedumangad*): Sir, my question is whether Government are in a position to tell me who are the persons who bid it in wholesale auction and not in tender.

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): It is for smaller areas that the right is sold in auction. It is not possible to collect separate statistics.

MR. S. J. NAIR (*Nedumangad*): The object of my question is not realised.

PRESIDENT: Questions are not to be asked for the purpose of showing anything other than elucidating information.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Government are in a position to give me exactly the number of persons who bid the timber in the wholesale auction of the Forest Department?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): I claim notice.

Subordinates in the inferior service promoted to the superior service.

57. ✻ **MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state the names of the qualified permanent subordinates in the inferior service who were appointed in the superior service, whether acting or permanent, in the Revenue Department during 1111?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): A *statement containing the information is laid on the table.

Jurisdictions of the Alleppey and Ambalapuzha Munsiffs' Courts.

58. ✻ **MR. K. M. KRISHNAN** (*Ambalapuzha II*): Will the Government be pleased to state:

(*a*) whether any recommendations have been made to make changes in the present jurisdictions of the Alleppey and the Ambalapuzha Munsiffs' Courts;

(*b*) if the answer to part (*a*) is in the affirmative, what are the recommendations made;

(*c*) whether any representation has been made by the public of Vadakkal and other places in the Alleppey *pakuthi* protesting against the transfer of the Alleppey *pakuthi* from the jurisdiction of the Alleppey Munsiff's Court to that of the Ambalapuzha Munsiff's Court;

(*d*) the distance from Vadakkal and other places in the Alleppey *pakuthi* to the Alleppey Munsiff's Court and the Ambalapuzha Munsiff's Court, presectively; and

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* *Vide* Appendix II—pages 247 to 248.

(*e*) whether the transfer of the Alleppey *pakuthi* to the jurisdiction of the Ambalapuzha Munsiff's Court will not cause much inconvenience and trouble to the litigant public of that locality?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*: (*a*) Yes.

(*b*) The transfer of the Pulincunnu *pakuthi* from the jurisdiction of the Ambalapuzha Munsiff's Court to that of the Alleppey Munsiff's Court.

(*c*) No.

(*d*) A *statement containing the information required is laid on the table.

(*e*) This does not arise in view of the fact that there is no proposal to transfer the Alleppey *pakuthi* to the jurisdiction of the Ambalapuzha Munsiff's Court.

MR. K. M. KRISHNAN (*Ambalapuzha II*): As regards the answer to part (*b*), may I know what order has been passed on the recommendation of the transfer of the Pulincunnu *pakuthi* to the jurisdiction of the Alleppey Munsiff's Court?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The order has been passed that the matter will lie over.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know why it is to lie over?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Because Government transferred the court to Ambalapuzha only very recently, and it is too early to think of making any change in the jurisdiction of that court.

Electric supply to Neyyattinkara municipal town.

59. *MR. N. K. KRISHNA PILLAI** (*Neyyattinkara I*): Will the Government be pleased to state whether there is a proposal to transmit electric power from Trivandrum to the Neyyattinkara municipal area, and, if so, the particulars regarding the said proposal, and what stage the said proposal has reached?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Yes. The proposal is to transmit power from the Trivandrum Station by high tension overhead lines over a distance of eleven miles, step down the voltage at Neyyattinkara and construct about 10 miles of distribution lines in that town to cover many of the important routes. An estimate prepared by the Executive Engineer, Electrical Division, has been received by the Electrical Engineer to Government and is receiving his attention. The Electrical Engineer expects to submit his report to Government very shortly.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know the amount of the estimate in the Electrical Engineer's proposal?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): I am not in a position to give the information as the estimate is only under preparation by the Electrical Engineer.

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*Vide Appendix III—page 249.

Deputation of Mr. Dwarakanath Aiyangar for higher studies in Ayurveda.

60. *MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): Will the Government be pleased to state:

(*a*) whether they incur any expenditure and if so what, consequent on sending one Mr. Dwarakanath Aiyangar for higher studies in Ayurveda; and

(*b*) if the answer to part (*a*) is in the affirmative, (*i*) whether that individual is a Travancorean, (*ii*) his qualifications?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) Financial aid to the extent of Rs. 1,500 has been sanctioned to Mr. Dwarakanath Aiyangar.

(*b*) (i) No.

(ii) L. I. M., of the Government School of Indian Medicine, Madras. He is also a scholarship holder for research work in Ayurveda from the German (Deutche) Academy tenable at the Faculty of Medicine, Hamburg University.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know the special reasons for selecting an outsider for this purpose?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): There is no Travancorean who has the same qualifications and who has already undergone some training in Germany.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether Government took the initiative or himself applied for financial help?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): He applied and on enquiry Government were satisfied with his *bona fides.*

Neyyattinkara-Poovar Road.

61. *MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): Will the Government be pleased to state:

(*a*) whether the fact that, near the 1st mile, 4th furlong in the Neyyattinkara-Poovar road, a portion of the road is from year to year submerged under water during the rains, causing considerable hardship to the public in general, has been brought to the notice of Government by means of interpellations in the Assembly and the Council and, if so, what action was taken in the matter; and

(*b*) whether an estimate was prepared, and, if so, when?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) and (*b*) Yes. An estimate was sanctioned for the work in May 1936.

MR. N K. KRISHNA PILLAI (*Neyyattinkara I*): May I know the amount of the estimate sanctioned for the work?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Rs. 4,580.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know Sir, whether the work has been already started ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): No.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know whether the work will be started this year ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Yes, if the lands are acquired and handed over.

The Pallikkal Trace.

62. ***MR. S. NILAKANTA PILLAI** (*Chirayinkil II*): With reference to the conversion of the trace from Pallikkal in the Chirayinkil taluk to Velinalloor in the Kottarakara taluk, into a cartable road, will the Government be pleased to state :

(*a*) whether the Chief Engineer or the Division Officer concerned has received any representation from the people during 1110 or 1111 M. E ;

(*b*) if so, the action taken on the representation ; and

(*c*) whether the Division Officer concerned or the Assistant Engineer inspected the trace last year (1110) or this year (1111) ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) Yes.

(*b*) As the work was ordered to lie over, no action was taken on the representation.

(*c*) No.

MR. S. J. NAIR (*Nedumangad*): With reference to answer (*b*) may I know why the work was ordered to be left over ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Because the estimated cost is very high.

Copyists in Magistrates' Courts.

63. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state the names of permanent copyists in the Magistrates' Courts included in the list of acting clerks ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Names of permanent copyists in the Magistrates' Courts are not included in the list of acting clerks, except the names of those who have been promoted as such.

MR. S. J. NAIR (*Nedumangad*): May I know whether the copyists in the Magistrates' Courts are promoted as clerks in the Department.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes, if they have the necessary qualifications.

Construction of culverts in Nooranad.

64. *MR. A. S. DAMODARAN ASAN (*Mavelikara*): Will the Government be pleased to state:

(*a*) whether the Government or the Chief Engineer has received a memorial dated 21-10-1111 from the inhabitants of Edappon, Pulimel, etc., in Nooranad, Mavelikara taluk, for the construction of a few culverts on a road that has been improved by them; and

(*b*) if the answer to part (*a*) is in the affirmative, the steps taken on the same?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) Yes.

(*b*) A detailed report has been received from the Chief Engineer and the matter is under consideration.

The Pandalam-Aranmula road.

65. *MR. E. K. KUNJURAMAN (*Nominated*): Will the Government be pleased to state:

(*a*) in what section of the Public Works Department has the northern side of the Pandalam—Aranmula road been included, and how many years have elapsed since that part of the road has been touched by the Department; and

(*b*) the length of that part of the Pandalam-Aranmula road which lies on the northern side of the Nakkalikal Canal and the average sum spent per mile to maintain the said part of the road yearly?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) Adur Section. The road is being maintained in the best manner possible with the available maintenance grant.

(*b*) 7/8 of a mile. Rs. 80 per mile.

Bridge at Poovar.

66. *MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Will the Government be pleased to state what action has been taken on the proposal to construct a bridge over the Neyyar at Poovar?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings, and Irrigation*): An estimate has been called for from the Chief Engineer.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know the date on which the Government have asked the Chief Engineer to prepare an estimate?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I cannot give the exact date now.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know the reason for taking such a long time in preparing the estimate?

MR. G. B. E TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): We have to carry out some investigations for the work and for that we want boring tools that are being used at present elsewhere.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*); May I know whether at any time an estimate was prepared?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): No, there has been a rough estimate in which it was stated that the cost would be something over 50,000 rupees. Moreover there is another crossing proposed to be bridged.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know whether the Government will be pleased to ask the Chief Engineer to submit his report without the usual delay?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The usual delay is the inevitable delay and the Chief Engineer will submit his report as early as he possibly can.

Housing of the Law Courts in Trivandrum.

67. ***MR. T. KRISHNA PILLAI** (*Neyyattinkara II*): Will the Government be pleased to state how long the question of housing all the law courts in Trivandrum in a single pile of buildings been engaging the attention of Government?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Since 1913. But the Government have dropped the idea for the present.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know the reason for dropping this idea?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Rs. 2,33,000 is the reason That was the amount of the estimate prepared and therefore the work has been allowed to lie over.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Is it possible to shift some of the courts to the present site?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): It is proposed to shift all the courts to this site.

MR. M. MAHOMED HANEEF (*Nominated*): Is there any proposal to shift the District and Munsiffs' Courts?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Yes, that was the proposal.

Appendix I.

***Vide* Answer to Question No. 56.**

List of persons who purchased timber either by tender or in auction wholesale during the years 1105 to 1111.

Year.	Name of bidders.	Travancoreans or foreigners.	Remarks.
1105	Mr. V. G. Hyder	Travancorean	
do.	" F. S. Peter	do.	
do.	do.	do.	
do.	" V. Padmanabha Pillai	do.	
do.	" N. Padmanabha Pillai	do.	
do.	" P. Gnanabaranam	do.	
do.	" Kochuthommen Thoma	do.	
do.	" K. Krishna Pillai	do.	
do.	" A. Mahomed Khan	do.	
do.	" V. M. Syed Sulaiman Rowther	Foreigner	
do.	" A. Muthumeera Rowther	do.	
do.	" Anthony Varghese	Travancorean	
1106	" K. Ganapathy	do.	
do.	" S. Kumaraswamy	do.	
do.	" F. S. Peter	do.	
do.	" P. Daniel	do.	
do.	" V. Padmanabha Pillai	do.	
do.	" Krishna Pillai Narayana Pillai	do.	
do.	" K. P. Krishna Menon	do.	
do.	" I. M. Idiculla	do.	
do.	" T. K. Kochu Thommen	do.	
do.	" K. M. Mahomed Musthaffa Rowther	Foreigner	
do.	do.	do.	
do.	" V. M. Syed Sulaiman Rowther	do.	
do.	" Manager, The Standard Tile Works, Alwaye	do.	
do.	" A. R. A. S. Arumugaswamy Nadar	do.	
do.	" K. A. M. A. Kaliappa Nadar	do.	
do.	" A. R. A. Shembaga Nadar	do.	
1107	" F. S. Peter	Travancorean	
do.	do.	do.	
do.	" Koshy Pathrose	do.	
do.	" T. K. Zachariah	do.	
do.	" K. J. Kurien	do.	
do.	" V. M. Syed Sulaiman Rowther	Foreigner	
do.	" A. Muthumeera Rowther	do.	

Appendix I—(*contd*).

Year.	Name of bidders.	Travancoreans or foreigners.	Remarks.
1107	" K. Krishnan	Travancorean	
do.	" A Muthukrishna Karayalar	do.	
do.	" Mathunny Devassy	do.	
do.	" Tharayil Ouseph Devasay	Foreigner	
do.	" Anthony Varghese	Travancorean	
do.	" A. M. M. Sinnamani Nadar	Foreigner	
do.	" P. S. P. Kandaswamy Nadar	do.	
do.	" A. R. A. Shenbaga Nadar	do.	
do.	" K. A. M. A. Kaliappa Nadar	do.	
1108	" K. Kochappan Pillai	Travancorean	
do.	" F. S. Peter	do.	
do.	Mr. Koshy Mathai	do.	
do.	" George Thomas	do.	
do.	" M. C. Kurian and V. T. Kurian	do.	
do.	" P. N. Narayana Pillai	do.	
do.	" Anthony Varghese	do.	
do	" A. Muthukrishna Karayalar	do.	
do.	" P. K. Kunju	do.	
do.	" E. Muhamad Kunju	do.	
do.	" A. Muthumeera Rowther	Foreigner	
do.	" Krishna Panicker	Travancorean	
do.	" Ramanunni	do.	
do.	" Tharayil Kochu Ouseph	Foreigner	
do.	" N. Urumese	Travancorean	
do.	" Mathunny Devassy	do.	
do.	" T. V. John	do.	
do.	" C. U. Varkey	do.	
do.	" K. C. Mytheen	do.	
do.	" K. V. Gopalakrishna Aiyar	do.	
do.	" K. A. M. A. Kaliappa Nadar	Foreigner	
do.	" A. R. A. Shenbaga Nadar	do.	
do.	" R. Shunmugam Pillai	do.	
1109	" K. Kolappa Pillai	Travancorean	
do.	" F. S. Peter	do.	
do.	" P. A. K. Pichandy	do.	
do.	" Koshy Pathrose	do.	
do.	" George Thomas	do.	
do.	" A. P. Thampi	do.	
do.	" C. Narayana Menon	Foreigner	
do.	" A. Muthumeera Rowther	do.	
do.	" Mahomed Nagoor Annavi	do.	
do.	" S. Subramania Aiyar	Travancorean	
do.	" Bava Assab Pillai	do.	
do.	" K. V. Gopalakrishna Aiyar	do.	

Appendix I- (contd.)

Year.	Name of bidder.	Travancoreans or foreigners.	Remarks
1109	Mr. A. M. M. Sinnamani Nadar	Foreigner	
do.	" P. S. P. Kandaswamy Nadar	do.	
do.	" R. Shunmugam Pillai	do.	
do.	" A. R A. Shenbaga Nadar	do.	
1110	" F. S. Peter	Travancorean	
do.	" S. Subramania Aiyar	do.	
do.	" Krishnankutty Menon	do.	
do.	" Koshy Mathai	do.	
do.	" T. K. Thomas	do.	
do.	" R. Gopalan Nair	do	
do.	" K. P. Krishnan Menon	do.	
do.	do.	do.	
do.	" V. Ramanatha Karayalar	do.	
do.	" N. K. Ambalavana Pillai	do.	
do.	" S. K. Sivasubramania Pillai	do.	
do.	" Krishnan Kutty Menon	do.	
do.	" N. V. Abdulla	do.	
do.	" C. U. Varkey	do.	
do.	" T. K. Varkey	do.	
do.	" C. V. Narayanan	do.	
do.	" Lakshmana Daniel Nadar	Foreigner	
do.	" C. A. Joseph	Travancorean	
do.	" T. B. Thomas	do.	
do.	" A. R. A. Shenbaga Nadar	Foreigner	
do.	" R. Shunmugam Pillai	do.	
do.	" P. V. Swaminathan	do.	
do.	" S. P. Kandaswamy Nadar	do.	
1111	" F. S. Peter	Travancorean	
do.	" T. K. Thomas	do.	
do.	" A. V. George	do.	
do.	" Koshy Mathai	do.	
do.	" T. K. Thomas	do.	
do.	" Krishnan Kutty Menon	do.	
do.	" A. V. George	do.	
do.	" Varghese Mathew	do.	
do.	" V. Ramanatha Karayalar	do.	
do.	" T. Venkitachelam Pillai	do.	
do.	" N. V. Abdulla	do.	
do.	" K. V. Gopalakrishna Aiyar	do.	
do.	" T. K. Varkey	do.	
do.	" Lakshmana Daniel Nadar	Foreigner	
do.	" C. V. Narayanan	Travancorean	
do.	" Varkey Mathew	do.	
do.	" C. U. Varkey	do.	
do.	" T. K. Varkey	do.	
do.	" N. V. Abdulla	do.	

Appendix II.

***Vide* Answer to Question No. 57**

Statement showing the names of permanent subordinates in inferior service appointed to posts in superior service in the Land Revenue Department during 1111.

Serial No.	Name of subordinate.	Post held in inferior service.	Qualifications.	Name of post in superior service to which promoted.	Whether acting or permanent.
1	V. Manickavachakam	Peon, Taluk Office, Tovala	Survey and Village Officer's Test. Exempted from general educational qualification.	Accountant	Acting
2	S. Ramaswamy Iyer	Pakuthy Peon, Agastisvaram taluk	V. S. L. C., Survey and V. O. Tests.	Do.	Do.
3	V. Rayappa Chettiyar	Gollah, do.	E. S. L. C.	Nottam	Do.
4	V. Krishna Pillai	Do. Neyyattinkara taluk	Exempted from minimum qualification.	Treasurer	Do.
5	K. Madhava Panicker	L. R. M. Peon, Karthigapally taluk	V. S. L. C., Survey and V. O. Test.	Accountant	Permanent
6	V. Gopalan Nair	Do. Ambalapuzha taluk	Do.	Do.	Acting
7	K. N. Krishna Pillai	Pakuthy Peon, Pathanamthitta taluk	Exempted from general qualification Survey and V. O. Tests.	Do.	Do.
8	V. M. Joseph	Do. Kottarakara taluk	V. S. L. C., Survey and V. O. Tests.	Do.	Temporary

Appendix II.—(*contd.*)

Serial No.	Name of subordinate.	Post held in inferior service.	Qualifications.	Name of post in superior service to which promoted.	Whether acting or permanent.
9	P V. Gopala Pillai	Pakuthy Peon, Tiruvella taluk	V. S. L. C., Survey and V. O. Tests	Accountant	Permanent
10	P. Krishnan	L R M Peon, Karunagapally taluk	Exempted from general qualification. Survey and V. O. Tests	Do.	Acting
11	P. U. Thomas	Peon, Taluk Office, Shertallai	V. S. L. C., Survey and V. O. Tests	Do.	Do.
12	C. N. Nilakanta Pillai	Pakuthy Peon, Meenachil taluk	Do.	Do.	Do.
13	K. Paramu Pillai	Do. Do.	Do.	Do.	Do.
14	K. Varghese	Do. Kottayam taluk	Do.	Do.	Do.
15	V. K. Narayanan Nair	Do. Kunnathunad taluk	V. S. L. C., and Account Test	Do.	Do.
16	T. N. Narayana Pillai	Do. Do.	V. S. L. C., Survey and V. O. Tests	Do.	Do.
17	K Govindan Nair	Do. Vaikom taluk	Survey and V. O. Tests. General qualification-nil	Do.	Do. (since reverted)

Appendix III.

Vide Answer to Question No. 58.

Statement showing the distance from Vadakkal and other places in the Alleppey *pakuthi* to the Alleppey Munsiff's Court and the Ambalapuzha Munsiff's Court, respectively.

From		To Alleppey Munsiff's Court.	Distance.	To Ambalapuzha Munsiff's Court.
Vadakkal	Miles ...	3	Miles	5
Vandanom	,, ...	5	,,	3
Punnapara	,, ...	4	,,	4
Paroor	,, ...	4	,,	4
Kalarcode	,, ...	3	,,	5
Kythavana	,, ...	2	,,	6
Thiruvampadi	,, ...	2	,,	6

LEGISLATIVE BUSINESS.

THE TRAVANCORE RUBBER CONTROL BILL.—(*concluded*)

Clause 4.

MR. S. J. NAIR (*Nedumangad*):

I was speaking last evening on my amendment to sub-clause (1) of Clause 4.

The object of my amendment is that whenever one finds it necessary to cultivate rubber plants, he may get the necessary sanction to do so. This would give an equal chance for all cultivators of the State to take to the cultivation of rubber, whether he be a planter or not. Sir, according to the International Rubbber Restriction Scheme, it is intended to regulate the production and export of rubber. Even if this clause is amended, as I propose it to be amended, it would not in any way infringe the conditions of that agreement at all. I find that it would help the ordinary cultivators in the State to continue cultivation of rubber in a moderate and modest scale. So I move this amendment for the acceptance of this House.

The amendment fell through for want of seconding.

The question that clause 4 do stand part of the Bill was put to vote and carried.

The Clause was added to the Bill.

Clause 5.

MR. S. J. NAIR (*Nedumangad*): Sir, I move that—

Clause 5 be deleted and the subsequent clauses be re-numbered appropriately

Clause 5 in this Bill is capable of doing much mischief to the interests of the agriculturists in this State and also to the planters themselves. They are not given the freedom of choice to cultivate their lands as they please. In other words, this provision cuts the fundamental rights of the citizens to the root in their choice to cultivate their lands as they please, to plant any plant in their land as they desire. In Travancore the rubber plantation had been done in the first instance at the instance of the European Planters. They were the pioneers in the field of Rubber Plantations and we are much thankful for the demonstrations that they have set up in Travancore in this direction of agriculture. They have shown that there is the possibility of such an agricultural industry in this State. But when Travancoreans also found that of all the cultivations in the State rubber planting is the most profitable avocation in life, they too began to pursue that cultivation. But even now the major portion of the area under rubber plantations is in the hands of the European Planters. So in the interests of the ordinary agriculturists in the State, I humbly submit to this House that Clause 5 may be deleted from this Bill.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Sir, I support the amendment, but on grounds different from those advanced by Mr. S. J. Nair. The House will remember that yesterday I moved an amendment to effect a modification, in Clause 2, sub-clause (*e*), with regard to the provision for the explanation of the word "replant"? I would have opposed if all areas which were under cultivation at one time were allowed to be replanted according to the provision mentioned in Section 5. But that argument was opposed by saying that only areas consisting of thirty rubber plants per acre are to be considered as an estate. What is the meaning of the term "to replant" Does it not presuppose that there was already an existing plantation? To say that only an area consisting of thirty rubber plants per acre alone should be permitted to be replanted seems to me, Sir, rather a very hard provision. It eventually brings out a case, wherein a man who has lost everything is not given any protection, whereas a man who has been able to save a few trees is given the benefit of the law.

As conditions now stand there is no necessity for any further extension of cultivation unless it be to give some help to those who suffered heavy loss during depression time owing to neglect or misfortune.

I could have supported a provision prohibiting replanting altogether. This provision enabling some persons to replant with permission, I take it, is intended, to safeguard the interests of those who have lost the money that they had invested. But the definition contained in Clause 2 (*e*) takes away that right so far as those persons who have unfortunately lost all their plants are concerned. Therefore I do not see why this Clause should find a place in this Bill.

Already we have more plants than we need, and we are thinking of restrictions. Therefore I do not see why there is any necessity to allow replanting at all. The provision appears to be a little bit incongruous. I would therefore oppose it.

With these words, I support the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose this amendment. At the outset I may say that this amendment defeats the very object of this Bill. Clause 3 which has already formed part of the Bill says:

> "So long as this Regulation remains in force, no person shall plant rubber plants in any land, or replant any land with rubber plants, save in pursuance of a written permission granted by or on behalf of the Committee under this Regulation".

So, unless there is a provision in this Bill for permission being granted for replanting, we would in effect be absolutely prohibiting replanting. Therefore, now that we have passed Clause 3, Clause 5 is absolutely necessary.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): When already we have enough of rubber plantations, where is the necessity to allow replanting?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): My friend should have proposed an amendment to Clause 3 when that was before the House. Now we have adopted Clause 3. Therefore Clause 5 is necessary.

Apart from that, replanting is to be allowed only subject to certain conditions. Those conditions are laid down in sub-clauses (*a*) and (*b*) of Clause 5. Those sub-clauses are mere reproductions of the terms of the agreement entered into under the International Rubber Restriction Scheme. Having been a party to that agreement, we have to enact the necessary legislative provisions to carry out the terms of the agreement. This is all that is proposed to be done. I may inform the House that the provision also is exactly the same as the one contained in the British Indian Enactment. I therefore oppose the amendment.

The amendment was put to the vote of the House and lost.

The question that Clause 5 do stand part of the Bill was put to vote and carried.

The Clause was added to the Bill.

Clauses 6 to 19.

The question that Clauses Nos. 6 to 19 do stand part of the Bill was put to vote and carried.

The Clauses were added to the Bill.

Preamble.

The question that the Preamble do stand part of the Bill was put to vote and carried.

The Preamble was added to the Bill.

Title.

MR. S. J. NAIR (*Nedumangad*) : Sir, I move that :—

The word 'temporary' be added between the words 'the' and 'control' in line 1.

I want the Title to read as follows :—

"A Regulation to provide for the *temporary* control of the extension of the cultivation of rubber in Travancore and for certain connected matters."

As it is, it would appear that the enactment is a permanent measure, restricting the right of the people to cultivate rubber for all time to come. Sir, rubber cultivation, it has been found, is the only profitable agricultural pursuit in the State. It is therefore not desirable that the people are permanently shut out from it. That would be a great hardship and severe injustice and handicap.

It has been stated in the Reasons and Objects of this Bill that the Bill has been introduced on behalf of the Government in order to honour the agreement that the Government have entered into with the British Indian Government in the matter of the International Rubber Restriction Scheme. Certainly, that agreement must be honoured; and the Law Member was quite right in bringing forward this measure. We also agree. But once the agreement has been honoured, why should the rights of the people be restricted for ever?

PRESIDENT : Does the honourable member suggest that by changing the title of the Bill, as he now proposes, the provisions of the Bill would be altered?

MR. S. J. NAIR (*Nedumangad*) That is my humble view, Sir (*Laughter*).

The amendment fell through for want of seconding.

The question that the Title do stand part of the Bill was put to vote and carried.

The Title was added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No amendment having been made at the second reading, I beg to move that the Bill be finally passed.

MR C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*) : I second it.

The motion was put to vote and carried.

The Bill was passed.

THE TRAVANCORE ANCIENT MONUMENTS PRESERVATION BILL.

MR KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) Sir, I beg to present the report of the Select Committee on the Travancore Ancient Monuments Preservation Bill, and beg to move that the Bill as reported be taken into consideration.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

The motion was carried.

Clauses 1 and 2.

The question that Clauses 1 and 2 do stand part of the Bill was put to vote and carried.

The Clauses were added to the Bill.

Clause 3.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I beg to move the following amendment:—

> *In Clause 3, sub-clause (3), add at the close and before the full stop "by publication in the Government Gazette and notice to the persons who have preferred objections to the notification under sub-section (2)".*

Sir, sub-clause (2) of Clause 3 says:—

> "(2) A copy of every notification published under sub-section (1) shall be fixed up in a conspicuous place on or near the monument, together with an intimation that any objections to the issue of the notification received by Our Government within one month from the date when it is so fixed up will be taken into consideration".

Sub-clause (1) says:—

> "(1) Our Government may, by notification in Our Government Gazette, declare an ancient monument to be a protected monument within the meaning of this Regulation".

In sub-clause (3) of Clause 3, it is stated:—

> "(3) On the expiry of the said period of one month, Our Government, after considering the objections, if any, shall confirm or withdraw the notification".

There is no direction that notice must be given to the persons who prefer objections, and to the public in general as to whether the notification under sub-clause (1) has been withdrawn or not.

Sir, this is a matter which is likely to affect vitally the interests of the owner as well as the general public. In sub-clause (4) it is stated that a notification published under sub-clause (1) shall, unless and until it is withdrawn, be conclusive evidence of the fact that the monument to which it relates is an ancient monument within the meaning of this Regulation. So, when the first notification which could be said only to be an interim-notification is to be published in the Government Gazette and objections are allowed to be put in, the final notification is not to be published in the Gazette. I think that this is a fundamental defect with regard to the publication of the notification. We find that under Clause 17 a penalty is imposed upon those who destroy, remove, injure, alter, deface or imperil a protected monument. When the rights of the public are generally restricted under Section 17, I feel that it is only advisable that a notification is published after the order is made absolute. With these words, I move the amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I have no serious objection to the amendment but I do not see the purpose of it. Mr. Damodaran Asan apprehends that the interest of the owner will be affected by a notification under Clause 3 (1). I do not know how it will be affected. He quoted Section 17 and said that it will be affected. That Section will come in only when the owner has given an agreement to the Government. Unless he has given an agreement, his interest will not be affected. If the House wants the amendment I am willing to accept it.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Does not Section 17 impose a penalty upon other persons as well ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : What Section 17 says is that any person other than the owner who destroys, removes, injures, alters, defaces or imperils a portected monument shall be punishable. Why does he go and injure another man's monument? It is not his property and he has nothing to do with it. The object of Clause 3 is only to give authority to the Division Peishkar.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : May I know why the rights of ordinary citizens and of the owner be restricted in this manner ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The rights are not restricted. Immediately the notification is issued, authority will be conferred on the Division Peishkar to negotiate with the owner. That is the effect of Clause 3.

The amendment was put to the vote of the House and lost.

The question that Clause 3 do stand part of the Bill was then put to vote and carried.

Clause 4.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*) : Sir, I move the following amendment :—

"*In Clause 4, sub-clause (1) for the words 'Division Peishkar', substitute the word 'Commissioner'.*"

As amended, the sub-clause will read as follows :—

"The Commissioner, with the sanction of Our Government, may purchase or take a lease of any protected monument."

The word 'Commissioner' has been defined in Clause 2(3) as including an officer authorised by Our Government to perform the duties of a Commissioner under this Regulation. That sub-clause shows that Government propose to appoint or to invest the powers of a Commissioner in some officer or officers.

C1 Coming to Clause 4, under the first sub-clause we see that the Division Peishkar is given power to purchase or take a lease of any protected monument. Again in sub-clause (2) the Division Peishkar is given power to accept a gift or bequest of any protected monument. Under sub-clause (3) the owner may constitute the Commissioner as the guardian of the monument. That is to say when the question of looking after the monument is taken up the Commissioner is given the power and not the Division Peishkar. Again under sub-clause (6) it is

stated that where a protected monument is without an owner, the Commissioner may assume the guardianship of the monument.

Coming to the latter part of the Bill, we see that Clause 12 reads as follows:

> "(1) The Commissioner shall maintain every monument in respect of which Our Government has acquired any of the rights mentioned in Section 4 or which Our Government has acquired under Section 10."

Again Clause 13 reads:

> "The Commissioner may receive voluntary contributions towards the cost of maintaining a protected monument and may give orders as to the management and application of any funds so received by him."

Thus, throughout the Regulation the Commmissioner appointed under the Regulation is invested with powers to maintain the monument and to accept the gift of a monument. Under Clause 4(3) the Commissioner is given power to accept the guardianship of the protected monument. Even when there is no owner it is the Commissioner that is the guardian and not the Division Peishkar. Thus a distinction is sought to be made in the Bill between the Commissioner and the Division Peishkar. I do not find any necessity for such a distinction. If the Government propose to appoint an officer as Commissioner or invest an officer with the powers of the Commissioner it is better that the Commissioner is given all those powers. He will have better knowledge than the Division Peishkar. The Division Peishkar, as seen to-day, has got manifold duties; he has his duties under the Criminal Procedure Code; he has to attend to the revenue matters of his Division. He will find no time or very little time to attend to these duties imposed on him under this Bill. So I think it is better that the powers invested in the Division Peishkar be given to the Commissioner. With these words, I move this amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose the amendment. It will be seen from the Clauses referred to by Mr. Sivaraman Nair that the function of the Peishkar is to deal with the owners and other people in order that Government may get dominion over the monument. After the dominion is secured, the Commissioner comes in and deals with the other matters. The Commissioner is not a man who is expected to be conversant with the art of dealing with the people. The District Officer is to do that. The Commissioner is like a doctor or an engineer who has to do with the technical side. After the monument is secured by Government the Commissioner begins his function.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is the Peishkar accustomed to do that until this Regulation comes into force?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): He is accustomed to deal with people. For instance he attends to leases and assignment of lands. At any rate the Division Peishkar is supposed to be competent to deal with the acquisition of land.

The amendment was put to the vote of the House and lost.

The question that Clause 4 do stand part of the Bill was then put to vote and carried.

Clause 5.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I move the following amendment:—

"*In Clause 5, omit sub-clause* (8)".

Sub-clause (8) reads thus:

"Any rights acquired by Our Government in respect of expenses incurred in protecting or reserving a monument shall not be affected by the termination of an agreement under this Section."

Under the agreement as provided for in the previous sub-clause expenses might be incurred by the owner or by the Government. The agreement could be terminated either by the owner or by the Government. What is stated in sub-clause (8) is that where an agreement is terminated at the instance of the Government or at the instance of the party, Government could recover any expenses incurred by them. I do not know why a similar benefit should not be given to the owner. If the Government are particular of having this right it is better to have it entered in the agreement and not provide for it in the statute. It is usual that in all agreements entered into by Government, clauses favourable to Government and against the contracting party are put in. The attempt made here is to secure for Government all rights without making similar provision to safeguard the right of the private persons. My submission is that Government can secure their rights in the agreement itself. There is no necessity to have it in the clause which confers only a one-sided benefit upon the Government.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose the amendment. It is based on a mis-conception. On a careful perusal of sub-clause (8) it will be seen that it has to be proved that the Government had acquired a right. That right can be acquired only if there is a term in the agreement.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): If there is a term in the agreement then where is the necessity for this Section?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): To make the meaning of the Section more clear. Even though the agreement is terminated the right acquired by Government will not be lost. That is the idea.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): If there is a clause in the agreement that any right of the owner on account of the expenses incurred by him for the preservation of the monument can be insisted on, will that be enforceable by him? May I know whether that right should not be protected?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It should be protected.

(At this stage the Deputy President took the Chair).

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Does not sub-clause (*f*) of Clause 5 refer to the owner incurring the expenses on behalf of the preservation of the monument?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not think it refers to the incurring of expenses under the agreement. If Mr. Asan would like to have a separate amendment for this purpose I have no objection.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is there not one incongruity in enacting this sub-section (8) which reads as follows :—

> "Any rights acquired by Our Government in respect of expenses incurred in protecting or preserving a monument shall not be affected by the termination of an agreement under this Section".

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No. The object of this Section is to see that the right of Government is not lost even if it chooses to cancel the agreement.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Am I to understand that if an owner spends money for the preservation of a monument the Government can cancel their agreement on their own accord and not protect the citizen's right but take care to secure the Government's right ? Is that the position ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The position is this. There is the agreement between the Government and the owner of the monument. The agreement is for preserving the monument concerned. If at any time the agreement is cancelled and if even this clause does not find a place it is still open to Government to insist on their rights. For the sake of clearness such a clause is expressly put in to remove all doubts whatever. After the termination of the agreement the right of Government should not be lost.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Government will declare the monument to be a public one even if the owner has spent money for the preservation of it. Is that the position ?

Further should it be open to Government who have contributed nothing for the preservation of the monument to terminate the agreement by giving notice to the owner ? Is such a procedure proper for Government.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Though a private man has contributed something for the maintenance of the monument, protection work has to be done only by Government.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Am I to take it that the monument is to be declared as a public one at the expense of the owner ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I think there is some misconception so far as the position of Government is concerned.

If it is the desire of Mr. Asan to bring forward an amendment to protect the right of the owner I have no objection. Government are not anxious to put the owner to loss.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*) : I may be permitted to move the amendment No. 10.

DEPUTY PRESIDENT : Is that connected with this Clause ?

MR. R. SIVARAMAN NAIR (*Tiruvalla II*) : Yes, Sir.

DEPUTY PRESIDENT : Then you can move the amendment.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*) : I move that:—

In Clause 5, sub-clause (8) insert after the word "Government" the words "or the owner".

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I accept it provided the House agrees to it.

DEPUTY PRESIDENT : Does the House agree to this amendment?

The House agreed.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*) I would like to move the amendment No. 6.

DEPUTY PRESIDENT : Yes.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*) : I move the following amendment :—

In Clause 5, sub-clause 2 (d), insert the words "or Commissioner" after the words "Division Peishkar".

With this amendment the Clause will read thus :—

"(*d*) the facilities of access to be permitted to the public or to any portion of the public and to persons deputed by the owner or the Division Peishkar or the Commissioner to inspect or maintain the monument".

This Clause relates to the agreement which will be entered into with the owners of the monument by the Government. The Law Member stated when the former amendment was moved that the Commissioner would be maintaining the monuments as soon as the agreement has been executed or after the monument has been taken up by the Government it will be the Commissioner who will be looking after the monument. It is so provided in this Bill. This Clause gives the particulars that is to be found in the agreement. Clause (*d*) relates to the facilities of access given to the public or to the Division Peishkar or to any of his nominees. But the Clause does not provide for the Commissioner or his nominees any facility to go and inspect the monument. After the agreement is entered into, the Division Peishkar will have nothing to do with the monument. But it is the Commissioner who has to maintain it. It is necessary therefore that the Commissioner or his nominee be given power to inspect the monument and see whether things are properly done.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : So far as the Commissioner is concerned he will get all the powers under the Regulation. There is no necessity for providing powers to the Commissioner under the agreement. I therefore oppose it.

The amendment was put to the vote of the House and lost.

The question that Clause 5 as amended do stand part of the Bill was put to vote and carried.

Clause 5 as amended was added to the Bill.

Clause 6.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): I beg to move the following amendment:—

In Clause 6, sub-clause 3, line 3, omit the word "periodically".

This Clause relates to the power of making the agreement. When the owner is an infant or lunatic this Clause gives power to the guardian to enter into agreement with the Government as regards a protected monument. The Clause reads as follows:—

> "If the owner is unable, by reason of infancy or other disability, to act for himself the person legally competent to act on his behalf may exercise the powers conferred upon an owner by Section 5...........".

I object to the word "periodically" occurring in Clause 6 (3). Even if that word is not there the Section will read well. The word periodically means at regular intervals. If a monument is not used for worship at regular intervals there is the likelihood of Government interfering In whatever way and at whatever time a monument is used for worship, that is to say, whether it is used periodically or not for worship Government should not interfere. Such monuments should be exempted from the guardian's powers. Why should the guardian be empowered to enter into an agreement with the Government even though the monument is used only now and then for worship? That may lead to dangerous consequences.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I second it. The retention of the word "periodically" is dangerous because a monument may be worshipped daily or from day to day or always. That is not worshipping periodically. Such a monument ought to be considered more sacred than the one that is worshipped periodically. I think it is absolutely necessary to take away the word "periodically"

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose it. The Clause as it is, is alright. Daily is also periodically in the year. It may be used as a place of worship either quarterly or once in six months or daily. What is meant thereby is, if it is only occasionally without any regularity it is not periodical.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): Even if that word be taken away will not Government be entitled to interfere?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In that case why not retain that expression?

DEPUTY PRESIDENT: The question that I wish to place before the House is whether "religion" is a word capable of a definite meaning, for the owner of the property who is a minor may be a Thenkala Aiyangar and the person who is in charge may be a Vadakala Aiyangar, a Vaishnavite or a Shivite. So the word is not capable of conveying any definite meaning.

The amendment was put to the vote of the House and lost.

Clause 6 was put to the vote of the House and carried.

The Clause was added to the Bill.

Clause 7.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Sir, I beg to move the following amendment:—

In Clause 7, sub-clause (3) omit the last word "final" and substitute in its place the words "subject to cancellation or modification by the decree of a competent Civil Court".

According to Clause 5 the Division Peishkar may enter into an agreement on giving six months' notice in writing to the owner. All such agreements have to be entered into with the previous sanction of the Government and for any act of omission or commission on the part of any one of the parties, another party who has also an interest in the agreement should not be given the authority to express a final word in the matter. In other words, the Dewan, as the executive head and as the person who gave the permission to enter into the contract, should not be vested with the final appellate authority in a dispute arising out of the agreement. On the other hand, an aggrieved party should be given the right to seek his remedy in a competent Civil Court.

MR. K. P. KRISHNA MENON (*Parur*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose the amendment. There is no necessity in this case for the intervention of a Civil Court. And in fact this provision is exactly what is found in the British Indian Act.

The amendment was put to the vote of the House and lost.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): The amendment which I wish to move reads thus:—

In Clause 7, add the following at the close as sub-clauses (4) and (5):—

(4) "A copy of the order directing recovery of the expenses from the owner under sub-section (2) shall be served upon him.

(5) An appeal under sub-section (3) shall be preferred within sixty days of the date of service of the copy of the order under sub-section (4) except where he satisfies the Dewan that he had sufficient cause for not preferring the appeal within the prescribed period".

Clause 7 (2) gives wide powers to the Division Peishkar. It reads thus:—

> (2) If an owner or other person who is bound by an agreement for the preservation or maintenance of a monument under Section 5 refuses to do any act which is in the opinion of the Division Peishkar necessary to such preservation or maintenance, or neglects to do any such act within such reasonable time as may be fixed by the Division Peishkar, the Division Peishkar may authorise any person to do any such act and the expense of doing any such act or such portion of the expense as the owner may be liable to pay under the agreement may be recovered from the owner as if it were an arrear of land revenue.

There the owner is not to be penalised only for the amount due under the agreement or for the breach of the agreement alone. It says further:—

> "......refuses to do any act which is in the opinion of the Division Peishkar necessary to such preservation or maintenance......"

So a discretion is given to the Peishkar to decide whether a particular act is necessary for the preservation of the monument though that act is not included in the agreement. If there is a default the Division Peishkar is authorised to have the very same thing done by another person and recover the expenses from the party under the Revenue Recovery Regulation. I have not given any amendment with regard to that portion. Sometimes the Division Peishkars will have to resort to such steps when there is absolute necessity for the preservation of the monument. But there is no provision to give notice to the owner of any such steps taken by the Division Peishkar. He might know of it only when his property is brought to sale. A power of appeal is given under sub-clause (3). There also we do not find any specific period prescribed for preferring the appeal. Even if he prefers an appeal as soon as he gets notice of the sale without being negligent it might be said that he has not preferred the appeal within a reasonable time. By this amendment what I want is to be assured that if the Division Peishkar passes an order like that he must intimate it to the owner who has to pay the same by means of a notice. A period of sixty days must be granted for preferring an appeal against the order of the Division Peishkar This is only a recognition of the fundamental rights of a citizen before he is divested of his vested rights. With these words I move the amendment for the acceptance of the House.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Perhaps this amendment is not quite necessary in view of the fact that the amount has to be recovered under the Revenue Recovery Regulation. Before the recovery is made the first step would be to give notice to the party. Therefore this amendment does not seem to be necessary. But at the same time I do not want any power to be given to do anything behind the back of the parties. If Mr. Asan wants this amendment I am quite prepared to accept it.

The amendment was accepted by the House.

Clause 7, subject to the amendment of Mr. Damodaran Asan, was put to vote and carried.

The Clause was added to the Bill.

Clauses 8 to 18.

Clauses 8 to 18 were put to the vote of the House and carried.

Clauses 8 to 18 were added to the Bill.

Clause 19.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I beg to move the following amendment —

In Clause 19, add the following as sub-clause (4) and (5) and renumber the subsequent Clauses:

(4) *A copy of the order of the Division Peishkar granting or refusing permission shall be served upon the person who has applied for such permission,*

[Mr. A. S. Damodaran Asan]

(5) *An appeal shall be preferred before the expiry of sixty days from the date of service of the copy of the order under sub-section (4) unless the appellant satisfies the Dewan that he had sufficient cause for not preferring the appeal within the prescribed period"*

Here also it is found that some right is sought to be given. In sub-clause (1) it is stated :—

(1) If Our Government consider that any sculptures, carvings, images, bas-reliefs inscriptions or other like objects ought not to be moved from the place where they are without the sanction of Our Government, Our Government may, by notification in Our Government Gazette, direct that any such object or any class of such object shall not be moved unless with the written permission of the Division Peishkar.

And sub-clause (2) says :—

(2) A person applying for the permission mentioned in sub-section (1) shall specify the object or objects which he proposes to move, and shall furnish, in regard to such object or objects, any information which the Division Peishkar may require.

My submission is that there is no provision for intimating to the applicant the order passed on his application and a time is not fixed for preferring an appeal to the Division Peishkar under sub-clause (3). The arguments that I have to advance in support of this amendment are almost the same as those advanced in support of my former amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have nothing to say. I would accept the amendment.

The amendment was put to the vote of the House and carried.

Clause 19 as amended was put to vote and carried.

The Clause as amended was added to the Bill.

Clause 20

DEPUTY PRESIDENT : The question is whether Clause 20 do stand part of the Bill.

Clause 20 was put to the vote of the House and carried.

The Clause was added to the Bill.

Clauses 21 and 22

Clauses 21 and 22 were put to the vote of the House and carried.

Clauses 21 and 22 were added to the Bill.

Clause 23

Clauses 23 to 25 were put to the vote of the House and carried.

Clauses 23 to 25 were added to the Bill.

Clause 26

MR. R. SIVARAMAN NAIR (*Tiruvalla II*) : Sir, I move that for Clause 26, the following shall be substituted :—

"No Court inferior to that of a Magistrate of the First Class shall try any offence under this Regulation."

Sir, in the Bill itself in Clause 17 the following penalties are prescribed :

"Any person other than the owner who destroys, removes, injures, alters, defaces or imperils a protected monument, and any owner who destroys, removes, injures alters, defaces or imperils a monument maintained by Our Government under this Regulation or in respect of which an agreement has been executed under Section 5, and any owner or occupier who contravenes an order made under Section 7, sub-section (1), shall be punishable with fine which may extend to five thousand rupees, or with imprisonment which may extend to three months, or with both".

But Clause 26 of the Bill reads :—

"A Magistrate of the Third Class shall not have jurisdiction to try any person charged with an offence against this Regulation".

This implies Sir, that the Magistrate of the First Class and Second Class are entitled to try offences under this Regulation. I do not know why this particular distinction is made. In the several Bills which are brought forward in this Assembly, for example in the Co-operative Societies Regulation, the maximum penalty is a fine of Rs. 200. There in the Co-operative Societies Bill, in Clause 64, it is stated "No court inferior to that of a Magistrate of the First Class shall try any offence under this Regulation". Again in the Life Insurance Companies Regulation the fine imposed under Clause 35 is Rs. 1,000. But in Clause 37 of the same Bill, it is stated that no court inferior to that of a Magistrate of the First Class shall try any offence. Again in several other enactments, such as the Travancore Provident Fund Societies Regulation, though the maximum fine is fixed to be Rs. 5,000, Section 27 states that no court inferior to that of a Magistrate of the First Class shall try any offence, So my submission is that that it is necessary that no court inferior to that of a Magistrate of the First Class should be invested with powers to try offences under this Regulation.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The ground on which Mr. Sivaraman Nair brings forward this amendment is that Second Class Magistrates have power to punish with fines only up to a particular limit. I oppose the amendment. I do not find any reason why a Second Class Magistrate who has got the same experience and training as a First Class Magistrate is denied this power. And I think that there will be no harm in giving this power to such a Magistrate. With these words I oppose the amendment.

The amendment was put to the vote of the House and lost.

The question that Clause 26 do stand part of the Bill was put to the vote of the House and carried.

Clauses 27 and 28

The question that Clauses 27 and 28 do stand part of the Bill was put to the vote of the House and carried.

PREAMBLE AND TITLE.

The question that the Preamble and Title do stand part of the Bill was put to the vot f the House and carried.

THE TRAVANCORE CO-OPERATIVE SOCIETIES BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to present the Report of the Select Committee on the Travancore Co-operative Societies Bill and move that the Bill as reported be taken into consideration.

MR. M. GOVINDA PILLAI (*Registrar of Co-operative Societies*): I second it.

MR. S J. NAIR (*Nedumangad*): Sir, the member was not at his seat while he seconded the motion.

DEPUTY PRESIDENT: The honourable member has changed his seat under orders of the President. Is there anybody speaking on the motion? Nobody seems to rise. The motion is therefore carried and we shall go on with the Bill Clause by Clause.

Clause 1.

Clause 1 was put to the vote of the House and carried.

Clause 2.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): I beg to move the following amendment.

In Clause 2, after sub-clause (h), insert the following as sub clause (i):—

"Financing Bank" means a registered society the main object of which is to lend money to other registered societies."

This is to include a definition of a "Financing Bank," because I have made some other amendment relating to that matter. A Financing Bank is one which advances money to primary societies. As such the Financing Bank is interested in the working of the primary societies. If a society is not working properly and if a Financing Bank has advanced loans to it, it is the duty of the Bank to see that the primary society works properly and the Financing Bank should be aware when a society is not working properly so that it may be on the alert to realise its money. With regard to this I have made an amendment to Clause 43 of the Bill. Clause 43 of the Bill relates to enquiry by the Registrar. The Registrar is given power under that Clause to make enquiry when he thinks that there is something wrong with any primary society. As a sub-clause I have added the following:—

> "When an enquiry is made under this Section the Registrar shall communicate the result of such enquiry to the Financing Bank, if any, to which the society is indebted."

DEPUTY PRESIDENT: Which Clause are you reading?

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): Clause 43. I was saying that I propose to move an amendment to that Clause by adding a sub-clause.

DEPUTY PRESIDENT: All that comes at a later stage. We are now concerned with Clause 2,

MR. R. SIVARAMAN NAIR (*Tiruvalla II*) Sir, I am at Clause 2, but I was dealing with an identical Clause.

DEPUTY PRESIDENT: Alright, you can go on.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*) : Again in Clause 44 which relates to the inspection of books by the Registrar it is provided that the Financing Bank may be sent a copy of the inspection report by the Registrar. Because the Financing Bank is very much interested in the working of the primary societies it is very much interested to know how the societies are working. That is why I have included a definition of the Financing Bank. As I said before, the working of the primary society may be by the money advanced by the Financing Bank. So, in view of my amendments to Clauses 43 and 44 a definition is necessary. Hence I move this.

MR. K. R. ELENKATH (*Kalkulam I*): I second it.

DEPUTY PRESIDENT The amendment was moved and seconded. Now I call upon the Registrar of Co-operative Societies to speak.

MR. M. GOVINDA PILLAI (*Registrar of Co-operative Societies*): Sir, I oppose the amendment. In opposing the amendment I do not object to the definition proposed by the honourable member. From the definition, it will be found that a Financing Bank is an institution whose *main* object is to finance other institutions. On an examination of the condition of the existing taluk banks, which correspond to the Central Banks in the Madras Presidency, it will be seen that they mainly finance individuals and not societies. In all the taluk banks the majority of the members are individuals and the major portion of their working capital has been lent to individuals and not to societies. In the absence of taluk banks, corresponding to the definition which is now proposed to be included in the Bill, it would be unnecessary and premature to have such a provision introduced. As a matter of fact, even at the time when the Devadhar Committee's Report was discussed in this House, the honourable members might have remembered that the competition of the taluk banks and the central bank with the primary societies was the most disquieting feature in the co-operative finance in Travancore. Unless the difficulties are remedied it will not be practical to include this definition in the Bill and until we are in a position to establish real financing banks, I am of opinion that this proposal may lie over till the proper time comes. For this reason, I would oppose the amendment.

The amendment was put to the vote of the House and lost.

Clause 2 was put to vote and added to the Bill.

Clause 3.

Clause 3 was put to the vote of the House and carried.

Clause 3 was added to the Bill.

Clause 4.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): Sir, I beg to move the following amendment —

In Clause 4, substitute the following for the first proviso (ii) :—

"The liability of a society of which the primary object is the creation o funds to be lent to its members, of which the majority of the members are agriculturists and of which no member is a registered society, shall be

[Mr. R. Sivaraman Nair.]

limited or unlimited according to the option of the members applying for registration and the members of a society of unlimited liability shall on its liquidation be jointly and severally liable for and in respect of all its obligations."

Sir, under the present sub-clause the liability of a society, of which the primary object is the creation of funds and of which the majority of members are agriculturists, is unlimited and the members shall be jointly and severally responsible for all its obligations. In almost all co-operative societies which are registered in rural parts almost all the members are ryots. But the work there is being done by some rich and influential men who co-operate with the ryots and who are willing to give their support to these societies. The ryots, though they may form the majority of the members of these societies, may not be able to manage the society by themselves. But for proper working and for the welfare of such societies it is necessary that some of the non-agriculturists who may be rich and influential in that locality must take part in the work of these co-operative societies. Under the Clause as it stands in the Bill in such co-operative societies the liability must be unlimited. That means even if the society fails all the liability of the members will be unlimited. Suppose in a co-operative society of 10 members 8 are ryots and 2 rich men. If such a society fails and if it is wound up the liability will be upon the two members who joined the others mainly for the purpose of encouraging those eight ryots. No money may be coming from those ryots. There is in the existing Regulation a provision to alleviate the difficulty of these two non-agriculturist members, *i. e.* there is provision for a reserve fund created by subscribing one-third to half of the profits. But under the present Bill even the reserve fund of such societies has been reduced to a smaller amount so that the whole liability of the ryots members falls on the few rich members who might have joined such societies to help the ryots. In so far as the reserve fund has been reduced the liability becomes all the more hard. Sir, it comes to this, that if any rich man joins a society of the poor ryots, there is every likelihood of the whole liability falling on him and he will have to meet the whole liability of the society if it is wound up so much so that very few of the rich people will join any such society. It is said in the Devadhar Committee's Report that for the working of such agricultural societies the hearty co-operation of the non-agriculturists and the rich and influential men of the locality are very necessary. We find in Travancore wherever any co-operative society is being run, its work is being mainly conducted by the influential and rich people of the locality, and as such, every facility must be given to safeguard the interest of such rich members. I find that under the present Clause it is compulsory that in all such agricultural societies the liability must be unlimited, so much so that none of these rich people may join any society. The reduction of the reserve fund is also against the interests of such rich members. If it is necessary that we should get the co-operation and participation of at

least some rich men in the working of our co-operative societies,—if we think it essential that at least one or two rich men must join every ryots' society to guide and help them then we must make suitable safeguards for their interests. They may not stake everything they have got for the ryots. Why not we leave it to the members to have their society limited or unlimited as they please? Why should we make it compulsory for the agriculturist societies to have unlimited liability?

MR. K. R. ELENKATH (*Kalkulam I*): I have sent up almost an identical amendment to be moved. The Clause as it stands makes provision for registration of societies with only unlimited liability. Sir, of all financing institutions it is the co-operative societies that function to the greatest needs of the agriculturists. The rural population, the majority of whom are agriculturists, have to depend for their agricultural and other needs upon the funds that they are able to get advanced from the primary societies. The handicap that will arise if it is made obligatory that primary societies could get registered only if they are organised on the basis of unlimited liability would serve only to discourage the formation of useful societies. The movement is intended to serve all the people; the rich man should help the poor and the poor must be benefited by the co-operation between the rich and the poor. Now the rich would watch with suspicion and dread before being a party by entering the co-operative societies as a member, if the membership would involve a loss or risk of their personal properties. Now, Sir, the Banking Enquiry Committee in its Report said that only 8·5 per cent. of the needs of the villagers have been met by the funds provided by the society. Why is it, Sir, that even after the organisation of so much societies in this city the poor agriculturists should depend upon Joint Stock Banks and other institutions for their agricultural requirements? It is because the societies are not worked by proper men, by people who are willing and at the same time able to be partners in it and serve it usefully. The proper and needed men think that there is risk to them owing to the obligatory unlimited liability which may at any time carry away their own property and all their earnings for no obvious fault of theirs. Sir, the Devadhar Committee said that at the end of 1108 about Rs. 8 lakhs of the total working capital of the central bank was lying idle, while at the same time the primary societies and members of the same were put to the hardship of want of funds. So we see that it is not because we have no funds to finance primary societies and through them their members but because the primary societies are afraid to take loans from Banks for fear that they would be borrowing at the risk of the capital or property owned by the few rich and influential members who generally influence the decision of the committee and general body meetings, that these societies suffer from dearth of money. There should not be any restriction imposed by law with regard to the nature or basis for the formation of societies with limited or unlimited liability. It would not be to the interest of the agriculturists of this country to do so. With these words I second the amendment.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : I oppose the amendment. My position is this. If the amendment is accepted it will not safeguard public interests and it will stand in the way of the healthy growth of the societies. I think it is indispensable to make liability of the members of such societies unlimited. My grounds are two. In the first place, we are every day experiencing the faction and differences of opinion among the members and the difficulties and troubles in the management of societies of which the primary object is the creation of funds to be lent to its members. Sometimes, the members who have taken loans from the societies will themselves try their best to create difficulties in the working of the societies with the avowed object of evading repayment. Certainly, that must be put an end to and that can be done only by making the liability of the members unlimited so that each member will be jointly and severally liable for and in respect of all the obligations of the society.

In the second place, societies, the primary object of which is the creation of funds for lending to its members, usually take loans from other financial societies and agencies. Such bigger financing agencies will be prepared to advance money to the smaller lending societies only if the liability of the members of such societies is unlimited.

Then again, Sir, if after a society has been registered on the basis of unlimited liability the members think that the liabilities should be made limited, or *vice versa*, there is ample provision in Clause 5 of the Bill for changing the liabilities of the members of the society. There is therefore no necessity for this amendment.

I oppose it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : I also oppose the amendment. I do so because it is against the very fundamentals of the co-operative movement. It is not the object of co-operation to collect some funds somehow, with the help of a few rich and philanthropic men who have no real interest in the movement, to get some dividend or profit and rest content with that. In fact, Sir, I think it is this attitude towards the movement that has been mainly responsible for the failure of the movement in this country. This has been the main defect. If we find defalcation, mismanagement and misappropriation in our co-operative societies, the one reason for that according to me is this. Members who know that their liability is only limited, take some shares in most cases due to pressure put upon them by the organisers of the societies, and remain indifferent. They do not take any real, active interest in the working of the societies on proper lines, which is more important than the paltry sums which they have invested. Every member who takes shares in a society must do it with a full knowledge of the real, fundamental principle of the co-operative movement. He must accept the principle of "each for all, and all for each". If it is not possible for us to get enough of such men to organise co-operative societies, here it is better that we do not have any societies at all. The amendment, now proposed by my friend; negatives the fundamental principles of the co-operative movement. That is my first objection to it.

Sir, the co-operative movement is not intended merely to make it possible to get cheap credit for the people of the country. It has got a more substantial object, a more worthy aim. The ideal of the movement is to create good human beings, self-respecting human beings, and to foster mutual trust. For all these, we must have the principles of unlimited liability. All the members of the societies, the rich and the poor alike, must work together on a basis of equality. Irrespective of the varying degrees of credit that the various members have, they must all work together with mutual trust for the purpose of doing business in the right manner, consistent with the ideals and the spirit of the co-operative movement. We should not be carried away by the fact that if the liability is made unlimited, we might not get financial aid from some of the rich men who might come forward with their money if the liability is made limited. I do not care for the paltry sums that may be forthcoming from the few rich men in our country. What we want is mutual trust, mutual co-operation and a feeling of equality and self-reliance. This amendment strikes at the root of all these ideals of the co-operative movement. Hence, I very strongly oppose it.

MR. K. R. ELENKATH (*Kalkulam I*) : Is it the member's opinion that unlimited liability imposed by legislation will be an incentive to rich men joining the movement?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : I do not at all care whether the rich man is given any incentive to join the movement. I would much rather sacrifice the rich man's financial help. I care for the real spirit of the co-operative movement. I would rather pin my faith on the noble ideals of the movement. It would be enough if we have a small number of societies working on right lines. I have no glamour for the so-called rich man throwing out his money at the co-operative societies without any real interest in the movement.

MR. K. R. ELENKATH (*Kalkulam I*) : May I know...........

DEPUTY PRESIDENT : Order, order.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : I have not yet finished my answer, Sir ; I do not yield till I finish my answer.

DEPUTY PRESIDENT : He has not yet finished his answer. Mr. Elenkath will please wait.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Rather than breaking the principle for the sake of the rich man's money I would be satisfied with a small number of genuine co-operative societies worked on proper lines.

MR. K. R. ELENKATH (*Kalkulam I*) : May I ask how, without the co-operation of the few moneyed men in the villages, the poor people, for whose benefit co-operative societies are organised, will find funds?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : The poor people will start these societies with such funds as they have at their disposal ; and if they do honest and good work, the bigger lending societies will have no hesitation whatsoever in giving them financial help. I do not think there is any restriction in regard to the membership of these societies. We do not exclude the rich man. It is open to him to join the societies in the right spirit. As I have already stated, Sir, I attach more

[Mr. K. Kunjukrishna Pillai.]

value to the fundamental principles of the movement being upheld than to the few hundreds of rupees of the so-called rich man who has no interest in the movement.

There is also the other point, Sir, alluded to by my friend Mr. T. P. Velayudhan Pillai. Unless there is unlimited liability, the bigger financing agencies will not trust the smaller lending societies with their money. But, Sir, that is only a minor point so far as I am concerned. I want the real spirit of the movement to be upheld. Therefore I oppose the amendment vehemently.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I too oppose this amendment. If the co-operative movement in Travancore has any defect it is this; the societies have all tended to become lending societies. There is a feeling in the villages that these societies are becoming a plague to the people. As Mr. Kunjukrishna Pillai pointed out, *every one* of the members must have trust in *every one else*. Unless there is that mutual trust, there is no use in having co-operative societies.

Further, Sir, the bulk of the members of these societies are agriculturists. Especially in the light of the Agricultural Debt Relief Bill that we have passed, nobody would be prepared to finance these societies, composed as they are mostly of agriculturists, unless the liability is made unlimited.

Sir, I oppose the amendment.

The amendment was put to the vote of the House and lost.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I beg to move that

Part (ii) of the first proviso be omitted.

This measure gives the power to the Registrar to register a society either on the limited liability basis or on the unlimited liability basis. With regard to the limited liability basis the first part says.........

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): On a point of order, Sir. The object of Mr. Asan's amendment is to make a provision that the liability of a society may be limited or unlimited. Therefore it touches the decision that the House has already arrived at.

MR A. S. DAMODARAN ASAN (*Mavelikara*): I shall explain, Sir. Mr. Sivaraman Nair's amendment was to the effect that, in the case of societies with a majority of agriculturists, it shall be left to the members, who apply for the registration of the society, to determine the nature of their liability. The object of my amendment is that, irrespective of the question whether the majority of the members are agriculturists or not, it should always be left to the members of the society to determine the nature of their liability.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*); To that extent, it goes against the decision we have already arrived at.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : My amendment is more comprehensive.

DEPUTY PRESIDENT : I really think that the amendment, sought to be moved by Mr. Damodaran Asan, in so far as it has been explained, goes against the decision already arrived at. I do not think the amendment can go on.

The question that Clause 4 do stand part of the Bill was put to vote and carried.

The Clause was added to the Bill.

Clauses 5 to 9.

The question that Clauses 5 to 9 do form part of the Bill was then put to vote and carried.

The House adjourned for lunch at 1-2 P. M. and reassembled at 2 P. M. with the President in the Chair.

Clause 10.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*) : I move the following amendment:—

In Clause 10, line 3, substitute the words "shall" for the words "may if he thinks fit,"

The Clause as it stands vests a discretion in the Registrar to refuse the registration of a society even though the applicant has complied with all the provisions of this Regulation and the Rules that may be framed thereunder. I do not know why such a discretion is vested in him. It is true that provision has been made for an appeal to the Government. In so far as no provision is made in this Regulation asking the Registrar to state the reasons for the refusal of registration, it is not known how the appellate authority will proceed with the disposal of the appeals. One could understand the appellate authority interfering, if the Registrar refuses an application, because it is against the provisions of the Rules passed under this Regulation. But as the Clause stands it is a matter of arbitrary discretion vested in the Registrar. My amendment says that if an applicant has complied with the provisions of this Regulation and the Rules thereunder the Registrar must register that society. I will give no discretion to the Registrar if the applicant has complied with this Regulation and the Rules.

MR. K. R. ELENKATH (*Kalkulam I*) : Sir, I rise to second the amendment. In regard to the co-operative societies, it is improper to invest authority in the Registrar to refuse registration of societies. As Mr. Sivaraman Nair has pointed out it is within the power of the Registrar to see whether the bye-laws of a society conform to the Regulation and the Rules thereunder or whether there is any possibility of infringment of the Rules by the societies. But in cases where there is no such infringment and the members of a village desire to form a society for the benefit of their village, it will be quite undesirable to leave the possibility of registration to the discretion of an officer, I mean the Registrar. Of course it may be that we are having a responsible officer

[Mr. K. R. Elenkath.]

to discharge that duty by using proper discretion. That apart I doubt very much whether it will be proper on principle to invest such a discretionary power with the Registrar. My view is that the co-operative movement is a preeminently non-official one. The persons who are willing to become members in an organisation of such a character, for doing useful service to a village should not be hampered by an act of the registering authority. With these words I support the motion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose the amendment. Mr. Sivaraman Nair and Mr. Elenkath seem to be under the impression that co-operative societies are like joint stock companies. In the case of joint stock companies, all that we want to achieve by registration is to give it a corporate status. We do not by means of the registration confer upon them special privileges or concessions. But in the case of co-operative societies they get by registration not merely a corporate status but also certain very valuable privileges. The object of according such concessions is to foster the co-operative movement. It is therefore necessary that before a society is registered the Registrar should be satisfied that there are reasonable chances of the society working successfully and that the members show a determination to carry on the work of the society according to co-operative principles. The Registrar has thus to satisfy himself not only that the society complies with the provisions of the Law and Rules, and that its bye-laws are not contrary to the Law or to the Rules, but also that it is a society fit to be registered; and the expression 'if he thinks fit' is meant to imply that the Registrar is satisfied that there are reasonable chances of success with reference to local conditions, *i. e*,, that the members have a genuine need which they want to meet and that they have a determination to carry on the business of the society according to co-operative principles. The idea is that the Registrar must ensure the chances of success from the very beginning. The Maclagan Committee on co-operation says:

> "The existence of faulty societies is generally due to hasty registration: and we would repeat that no pains should be spared to make a full enquiry into all applications. Full reports should always be required from the agency by which a society is organised and certain specified heads should be laid down on which information should be furnished. We hold it necessary, for instance that the Registrar should be able to ascertain (1) whether the proposed members have really assimilated the principles of co-operation, (2) whether they appear to be too involved in debt to make a society successful and for this purpose a statement showing though not in great detail, the assets and liabilities of intending members should be submitted, (3) whether adequate working capital is available in the movement, (4) whether the applicants are men of good character and the village as a whole free from the taint of litigiousness, (5) whether means are at hand to provide for the necessary supervision of the society when formed Enquiry should also be made as to the suitability of the proposed secretary and committee".

It will thus be seen that a co-operative society is entirely different from a joint stock company. Though they are similar in respect of corporate status and may in that sense be deemed to be individuals having independence, the co-operative societies are really the pet children of the State and have to be fostered by the State. We have therefore to judge whether each applicant for registration would comply with the requisite conditions.

MR. K. R. ELENKATH (*Kaikulam I*): May I know the criterion of such a status among members who have not formed themselves into such a society?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No criterion can be laid down by hard and fast rules. That is why it is proposed to be left to the judgment of the Registrar.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): Is the honourable member willing to accept my next amendment *viz.*, the substitution of the words "shall unless for reasons given in the order he seems fit to refuse to" for the words "may if he thinks fit"?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I will speak on it when it is moved.

The amendment was by leave withdrawn.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): Sir, I move the following amendment —

In Clause 10, line 3, substitute the words "shall unless for reasons given in the order he sees fit to refuse" for the words "may if he thinks fit":—

The advantage of this amendment is that a discretion is given to the Registrar. Only he has to record in writing his reasons for refusing registration so that the appellate authority may go into the question and decide the appeal. It meets the objections of the Law Member which he raised when I moved the former amendment. It makes the provision for appeal more useful and effective. It enables an applicant to know why registration is refused in any particular case.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): Sir, I second the amendment. Mr. Sivaraman Nair concedes that a discretion should be vested in the Registrar. All that the amendment aims at is that, if on enquiry the Registrar is satisfied that a certain society is not fit to be registered, he should give those reasons and the appellate authority will be enabled to find whether the reasoning of the Registrar is correct or not. Sir, it is absolutely necessary to invest the Registrar with discretionary powers as he is the very soul of the co-operative movement. Mr. Sivaraman Nair's amendment is therefore well conceived because the discretion of the Registrar is not tampered with and the Government also is at an advantageous position.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose this amendment. I grant that there is a right of appeal to the Government. But this appeal to Government should not be confused with an appeal to the Civil Courts. In the Civil Courts

[M. Kayalam Paramesvaran Pillai.]

the appeal is made on specified grounds arising out of a judgment. In an appeal to Government in cases of the kind now in question what happens is that upon the grounds urged by the appellant the Government will call for a report from the Registrar and his report will be considered before passing orders.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Has the appellant any chance of criticising the Registrar's report to Government?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The appellant puts forward his case before Government on which they consult the Registrar.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*); How can the parties know the reasons urged by the Registrar?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The appeal is filed by the applicant on various grounds. Those grounds are referred to the Registrar for report. And that report is considered by Government. Very often it may also be that the grounds mentioned by the Registrar must be treated as confidential as they would touch the individuals who applied for registration.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): I support the amendment for the very same reasons urged by the Law Member. We were left in doubt whether the reasons for rejecting an application for registration should be recorded in writing as required by common law and equity. Now the Law Member has made it clear that it is not the intention of the Bill that the Registrar should give any reason for refusing registration. It is said that, when the original applicant appeals to the Government, he will only have to repeat what he has stated before the Registrar. He is not left any choice to add to what he has stated in his application before the Registrar. Suppose there is a factious spirit among the applicants who want to organise a society, and the Registrar refuses registration on that ground. That reason will according to the Law Member be given only in the final report of the Registrar to Government to which alone the party is allowed access. Even that is doubtful.

On the other hand, if he knows beforehand that there is a remark in the Registrar's report or that is one of the grounds which weighed with the Registrar in refusing the application for registry, he would be giving information from his own stand point so that the Government could decide the question to the satisfaction of both the parties. Even if an appeal is filed, Government will be helped considerably in meeting out justice to the parties concerned. There is absolutely no ground in what was urged by the Law Member and it is against all fundamental principles of justice to refuse application for registry in this manner. The Law Member stated that we have to make a distinction between an appeal before a Civil Court and this. My submission is that justice requires that a party ought to be told

what he has to answer. A party ought to be told why an application made by him is refused by the Registrar. I am quite sure that the House will be glad to support this amendment and thus see that the Registrar is obliged to state his reasons before he exercises his discretionary powers to refuse the application for registration.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I oppose the amendment. Anyhow, the discretionary authority vested in the Registrar for refusing the registry of a society should be kept in tact even though the society satisfies the ordinary rules. Due to a variety of reasons which it may not always be advantageous for the Registrar to expose, because he holds not merely his official position, but he is the friend, philosopher, and guide to the co-operative movement, it is necessary that this provision is kept as it is. Only in very rare cases the Registrar would be compelled to expose every thing when he has got to refuse the registry. In the practical working it will be difficult because in making allegations he has to adduce reasons which the societies or individuals compsosing it may not wish to be published. It is likely that the society itself may not be willing to publish it or it will not be in the interest of the society itself to get the reasons published. It must be remembered that the Registrar has to deal with the public in general. He should not be compelled unnecessarily to create ill-feeling in the society in which he has to work. I find there is absolutely no difficulty in practice, for, an appeal lies with Government and the party can state that his application was dismissed for no fault of his. On that application a report will be called for and, on that report, the Dewan himself may ask the party and find out the grounds for refusing the registry. It becomes necessary for the party to meet the charges only when so required. That is the appropriate time for the party to explain his position. So in the interests of a society itself, there need not be unnecessary publicity. The party need not be asked to explain *seriatim* the reasons that weighed with the Registrar to refuse the registry of a society.

The main point centres round this. This question has to be decided and it will crop up in various other Sections that will come up for discussion. The question is whether we should vest some authority on a Government officer like the Registrar. If it is deemed necessary, in the present development of the co-operative movement and the present conditions that a substantial power of control and substantial powers of discretion have to be vested in the Registrar, the present provision is necessary. If you are going to put some power in the hands of the Registrar then the next question will be most easy. It will not be right to stress too much on mere theories and technical rights. If we are careful only to safeguard the interests of the development of the co-operative movement in the right spirit, I think, if that principle is conceded, there will not be a substantial objection to this provision. Hence I oppose the amendment.

MR. S. J. NAIR (*Nedumangad*): I too oppose the amendment. The duty of the Registrar is to advance the co-operative movement in the State. We are sure that this measure is purely intended for the sole object of the advancement of the co-operative movement; and, if the society satisfies the provisions for registration of it, the Registrar would certainly register it. There will be certain special circumstances under which the Registrar shall have the power to refuse the registration of a society. If we look into the history of the co-operative societies in Travancore to-day a sad tale has to be told about their existing condition. I had something to do with the working of the co-operative societies in my own taluk. I know something about the actual working of those societies. The present working is not at all satisfactory. Such being the case the Registrar must be empowered with certain unfettered powers so far as the conduct, registration and supervision of the societies are concerned. Therefore I think the present provision, as it is, is correct and conducive to the best interests of the co-operative societies.

MR. K. PADMANABHAN (*Chirayinkil I*): Sir, I rise to support the amendment. In my own view, the amendment suggested is quite necessary. Some reasonable facilities should be given to the aggrieved party to prefer appeals. The Registrar should be given full powers for refusing or allowing the applications for registration of societies. If the Registrar says arbitrarily that a particular society is not necessary in a locality, opportunity should be given for the applicant to explain his position. Unless the Registrar states the reasons upon which registration is refused it would not be possible for the person preferring an appeal to state the grounds upon which the decision of the Registrar has to be set aside. Only when both parties are heard one can judge whether what the Registrar has reported is true or not. It should be open to the aggrieved party to state his reasons for the existence of a society. It is only then that the appellate authority can reasonably form an opinion as to whether the existence of a society is in the interests of the public or not. On these grounds I support the amendment.

The amendment was then put to the vote of the House and lost.

The question that Clauses 10 to 21 do form part of the Bill was then put to vote and carried.

Clauses 10 to 21 were added to the Bill.

Clause 22.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): Sir, I move the following amendment:—

> *"In Clause 22, sub-clause (1), line 3, add the words "but no charge shall be made in respect of any audit under this Section" after the word "year".*

Under Section 17 of the present Regulation there is a provision similar to this. It has been the practice from 1089 onwards, since the

passing of the Co-operative Societies Regulation till to-day, that no fee is charged for departmental audit. We know, as a matter of fact, that many of these societies are working at a loss and they have not sufficient funds even for their ordinary routine work.

Particularly now, owing to the acute economic depression and other causes, very few societies earn profits worth the name and, to make them liable to payment for departmental audit in addition to their own audit in the present circumstances, will be very hard and a reversal of the beneficent policy hitherto followed by the Government.

It must be remembered in this connection that co-operative movement is necessarily a non-official movement. The service of these non-officials is honorary. A free departmental audit is one of the benefits which the Government can give to these poor societies. It may be said that some of these societies will be able to pay for their audit. But it must be remembered that such societies are very few. They can be counted on one's fingers.

My amendment is only that the practice which had been in existence since 1089 must be continued, *i. e.* departmental audit must be continued without charging the societies for the same.

MR. K. R. ELENKATH (*Kalkulam I*): In seconding the amendment I would like to mention that the enactment with a provision giving power to the Government to levy a fee or not to levy the same for audit according to their discretion and not make it obligatory on the part of the Government or the department to conduct free audit is both undesirable in principle and disadvantageous to the interest of the societies. We know that one of the fundamental differences between Co-operative Societies and Joint Stock Companies in the matter of Government control and patronage is that co-operative institutions get many privileges and immunities, such as facilities for arbitration, exemption from stamp duty, advantages of free audit, etc. The Law Member had been pointing out in support of his argument for investing the Registrar with wider powers that the co-operative societies have greater advantages and privileges as against the joint stock companies and so he did not grudge wide powers being invested with the Registrar. I ask, Sir, why should one of such benefits, and that I should think a very important and beneficial privilege as right of free annual audit which had been conferred upon them, be taken away now. Auditing is one of the most important factors that go for the proper control and better management of the societies. This Clause ought to provide for free audit not merely at the option of the Government or the Registrar but for compulsory free audit in the interest of the co-operative societies. Section 17 in the existing Regulation specifically states that the annual audit should be conducted free of charge whereas in the present Bill the relative Clause deliberately omits to mention the same. Therefore I request the House to consider this matter with all seriousness and with the interest of the society at heart and see that this amendment is carried.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is there any provision asking that fee should be levied for audit in all cases?

MR. K. R. ELENKATH (*Kalkulam I*): No, but while in the existing Regulation it was specifically laid down that no fee should be levied for audit, in the Bill under discussion that has been deliberately omitted thereby giving the discretionary power to levy fees or not at the option of the Registrar. By the amendment what is meant is to make it obligatory on the part of the department to conduct the annual audit free of charge.

PRESIDENT: Moved and seconded that in Clause 22, sub-clause (1), line 3, add the words "but no charge shall be made in respect of any audit under this Section" after the word "year".

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*). I oppose the amendment. It is not stated anywhere under this Section that any charge will be levied for an audit. The amendment says that in no case a charge shall be levied. Even in the case of societies that are able to pay for their audit no charge should be levied. That is what the amendment says. That will be the effect if this amendment is carried. Supervision, audit and inspection, are the important necessary duties in the functioning of co-operative societies. Government, for the purpose of helping the co-operative movement in its infancy, undertook these functions. Though Government was helping the co-operative movement by doing those functions in its initial stages I think that the principle underlying it is deterimental to the interest of the co-operative societies themselves because the co-operative society members may think that Government will do everything for them and so they need not look carefully into the transactions of the society. That will be cutting at the very root of the self-governing principles of societies. The co-operative movement to a very large extent is a non-official movement and as such it should stand upon its own legs whenever occasion arises. Of course there may be occasions when it may not be possible to do so, and in such circumstances there is nothing to prevent the Government to go to its help. But a society that is able to conduct audit out of its own funds should do it. In the larger interests of the societies it should do it and realise that it is one of its duties. Their duty is not merely to borrow money and become members of societies and carry the honour of being members thereof. They have got also obligations and responsibilities. Training in one's own responsibility is a spirit that is sought to be created by the co-operative movement. It is highly necessary that the members who watch the work of the societies should carry out their obligations and responsibilities carefully.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether the departmental audit is conducted by the paid servants of the Government?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*); Yes, sometimes. I also know that it is conducted not only by paid servants.

MR. M. GOVINDA PILLAI (*Registrar of Co-operative Societies*) : I have to point out one fundamental misconception on the part of the opponents of the Bill. In the existing Regulation there is a provision that no charge shall be levied for the audit of societies. In the present Bill this provision has been deliberately deleted. The co-operative movement has been in existence for over twenty years and the Government naturally thought that societies which are capable to pay towards the charge of audit should be made to pay it. It is not the intention of the Government to levy fee for the audit of *all* societies. It was stated by one of the honourable members that even primary societies will have to bear the audit fee. That is not the intention of the Government. As the members are aware, in Madras, fee is levied for audit in respect of societies whose working capital exceeds a certain amount. There the limit has been fixed at Rs. 20,000. There is no primary society, much less even taluk banks, which can boast of a working capital of over 20,000 rupees.

MR. K. R. ELENKATH (*Kalkulam I*) : Then, may I know the necessity for such a Clause in this Bill?

MR. M. GOVINDA PILLAI (*Registrar of Co-operative Societies*) : Government feel that the time has come when societies which are competent and capable are made to meet the expenses of audit. The intention of the Government is to levy a charge on societies that are capable of contributing that amount and it is certainly the intention of the Government to follow the precedent of Madras and other Provinces to levy fees in respect of societies whose working capital exceeds Rs. 20,000. If it is Rs. 20,000 in Madras, probably we will have to reduce it a little.

MR. K. R. ELENKATH (*Kalkulam I*) : May I know the number of societies in Travancore whose capital exceeds Rs. 20,000?

MR. M. GOVINDA PILLAI (*Registrar of Co-operative Societies*) : Very few societies. The definite number is not with me now. But I may say that the number will not exceed 10.

Therefore I oppose the amendment.

The amendment was put to vote and lost.

MR. K. R. ELENKATH (*Kalkulam I*) : Sir, I beg to move the following amendment :—

> "*In Clause 22, substitute the words "to summon at the time any paid servant of the society" for sub-clause (4) (i)*".

The Clause as it stands gives power to the Registrar to summon persons not very intimately connected with the society and whose services may not be quite useful for eliciting information on the audit or on any other enquiry. The books and records of the society can be made available from the paid servants and that would be quite sufficient for the purpose to which the Clause relates. But the power that is invested with the Registrar according to the present provision may lead to many hardships and inconveniences to persons in various avocations

[Mr. K. R. Elenkath.]

in life who may be residing even in distant places; for they are obliged to appear before the Registrar in response to his summons if the officer is of opinion that his evidence or statement would be of value. We are investing a very wide power with him by empowering him to summon any officer, agent, servant, or member of the society. Note that a person need only be a member for being summoned. He cannot but respond to the summons although his services may not be of any benefit or advantage in the matter of obtaining useful information. For serving the purpose of the provisions of the Bill and for the efficient auditing of the society I think that the power of summoning the servants only of the society is necessary, adequate and desirable.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*): Is the Secretary a paid servant?

MR. K. R. ELENKATH (*Kalkulam I*): In some cases the Secretary is honorary and in some cases he is paid. It differs in accordance with the bye-laws or resolutions of particular societies on the matter

The amendment fell through as it was not seconded.

Clause 22 was put to the vote of the House and carried.

The Clause was added to the Bill.

Clause 23 34.

Clauses 23 to 34 were put to the vote of the House and carried.

The Clauses were added to the Bill.

Clause 35.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): Sir, I beg to move that:—

"*In Clause 35, sub-clause (3) may be deleted, and others re-numbered*".

Sub-clause (3) reads "Notwithstanding anything contained in sub-section (1) and (2), a registered society may make a loan to a depositor on the security of his deposit".

Sir, this provision empowers a society to give loans to people other than the members of the society itself, namely to those who make deposit in the society. This is against the elementary principles of co-operation. One of the main principles of co-operation is that the benefit of a co-operative society must be restricted as far as possible to the members of that society. It is said that a society could deal only with its own members. It is the duty of a society to confine its benefit to its members and its members only. Sir, restriction is made not without any reason. The learned author H. Calvert in his book on the Law of Co-operation, at page 151 says:—

"This prohibition against transactions with non-members is based upon two considerations. Firstly co-operative societies are associations for mutual help amongst members. They render the best possible service at the lowest possible rate and make no commercial profit. Any surplus is to be returned to the members either as a bonus upon their transactions or as an addition to the societies' reserve fund. If a society regularly deals with non-members it makes a commercial profit out of them and opens a door to grant for dividends..........

> Secondly, co-operation stands for fair play all round. It is open to any body of men to associate together to improve their economic position by legitimate means but if they compete with private traders they lose their right to special privileges. The private traders have a right to insist that co-operative societies must not compete with them for custom of non-members."

Again on P. 248.

> "The co-operative society excludes the public whenever it is possible to do so and conducts its operations as on a common account for the mutual benefits of members alone." Also on page 449, writing of Quebec it is said that "all the benefits of the association must be confined to members"

These are the principles on which transactions with non-members are restricted as far as possible. Under the existing Regulation loans to non-members are not allowed. If any one wants a loan he will have to become a shareholder of that society and then only he is entitled to get a loan. If non-members are allowed to take loans, that will lead to complications. If there is any dispute between the debtor member and a society the Registrar can arbitrate and the parties need not go to a civil court. In the case of a non-member who is a debtor to a society, if any dispute arises between him and the society he will drag the society to a civil court for the settlement of the dispute. This will greatly prejudice the working of that society. This Bill itself has made provisions to exempt the societies as far as possible from the jurisdiction of civil courts. Thus, Sir, we see that it will not be in the interest of societies to allow them to give loans to non-members. Hence my amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I second it.

MR. M. GOVINDA PILLAI (*Registrar of Co-operative Societies*): While I do not demur to the general principles quoted by the honourable member, I have to oppose the amendment. This provision was inserted in the Bill after careful investigations were carried out by the Devadar Committee. The Committee collected evidence throughout the State which showed that the volume of opinion in favour of the change was great. We have the support for this change not only in the Madras Acts but also in similar enactments elsewhere. In Madras no prohibition is put on an outsider to deposit or take loans from a society. Loans were given to them on the security of their Deposits, but to an ordinary member, on the strength of personal security or immovable property. I don't think that there is any great danger as my friend apprehends by the inclusion of this Clause in the Bill. The fact is that in Madras where an identical provision has been brought into effect no disastrous effects have followed. We must consider the inclusion of this provision as it will tend to induce more members to join the movement. I therefore oppose this amendment.

The amendment was put to the vote of the House and lost.

The question that Clause 35 do stand part of the Bill was put to the vote of the House and carried.

Mr. M. Govinda Pillai.]

Clauses 36 to 38.

Clauses 36 to 38 were put to the vote of the House and carried.

The Clauses were added to the Bill.

Clause 39.

MR. K. R. ELENKATH (*Kalkulam I*): Sir, I move the following amendment:—

"*In Clause 39, for sub-clause (2), substitute the present law relating to reserve fund as contained in rule 14.*"

Sir, the report given by the Devadar Committee has made it clear that if there is any salvation to be attained by the co-operative movement, Reserve Fund should be maintained by every society.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, on a point of order. I would like to know in what particular Clause the substitution should be made.

PRESIDENT: Order, order. The member is referring to Clause 39 and he is moving an amendment to substitute another provision from another law in the present Bill. I rule that amendment out of order.

Clause 39 was put to the vote of the House and carried.

The Clause was added to the Bill.

Clauses 40 to 46.

Clauses 40 to 46 were put to the vote of the House and carried.

The Clauses were added to the Bill.

Clause 47.

MR. K. R. ELENKATH (*Kalkulam I*): I beg to move that *Clause 47 be deletd.*

Sir, this is the most objectionable provision in the whole Bill. By this provision the Registrar is given the power of superseding a committee which manages the affairs of a society. Sir, the co-operative movement is primarily a non-official one. And if it should work, the members of a society should be allowed to have an unfettered hand in the management of the society's affairs. If an authority, supreme and uncontrolled, is vested in the Registrar, it stands the risk of being abused and the result affects not only the members but also depositors who are non-members. This proviso is neither conducive to the betterment of the movement nor would it help to put faith in people who still keep outside it. The Registrar ought to be the friend, philosopher and guide to the movement. He should also work hand in hand with other co-operative workers but at the same time he should guide the broad policy of the movement by working through better and useful channels.

Now, Sir, this Clause is revolting to the sentiments and principles of nationalism and self-governing institutions. The primary societies are formed by voluntary consent of persons who constitute it, and under bye-laws which they have formed, in accordance with the Regulation. They elect their own committee who are persons in whom they have

confidence and in whose capacity they have unflinching faith. Now, Sir, if the committee according to the opinion of the Registrar is found to be defective or faulty or if he thinks that he cannot make the society work with the committee, he is empowered to dissolve the whole committee after giving a chance to elect another committee which is liable to meet with the same fate. Sir, it must be remembered that, in such institutions as co-operative societies, one can take the horse to the pond but a thousand men cannot make it drink. In an area where a co-operative society or a co-operative bank works no body can strive for or move an inch towards the progress of the movement except its members, the villagers and the share holders. This fact has been lost sight of by the framers of this Bill, when they inserted their obnoxious Clauses. In support of the provision that has been inserted here it has been argued that in Madras and in Bombay and other Provinces, the Registrars have been given such powers. But it is forgotten that even in those Provinces where such powers have been invested some of the important co-operative institutions such as the Financing Banks and others have been omitted and brought outside the purview of the provision. I would object to even such a procedure of investing huge and varied powers with the Registrar. Now, Sir, the Bill as it is, has attracted the attention of not only Travancoreans but also outsiders. One of the resolutions passed in the committee meeting of the All India Co-operative Unions and banking institutions, held at Fyzabad recently, deserves great attention. It says as follows :—

> "This committee is of opinion that the Travancore Co-operative Societies Bill tends to officialise unduly the movement and it should be so amended as to make it consistent with the ideals of co-operation as a popular movement."

Sir, one of the greatest co-operators in India who knows the working of almost all the big co-operative institutions, I mean Mr. V. Ramadas Pandalu Guru, has said that this Bill is the most retrospective of all Bills in the Provinces or States hitherto passed. Although we find certain similar provisions in this Bill as in British India, the Bill as it is, especially Clause 47 is not found in any other enactment in India. My appeal to the co-operators in this House is that they will as one body disapprove of all such arbitrary and wide powers being invested with an individual, as it is provoking and insulting to their self-respect and to the principles of co-operation.

MR. M. SIVATANU PILLAI (*Tovala*) : Sir, I rise to second the motion moved by my honourable friend Mr. Elenkath. If in any particular place the managing board is not working properly to the interests of the society it is open to the general body meeting to revise the managing board and to bring in a new board. Here, according to this Clause, the managing board may be working properly to the liking and satisfaction of the general body. But if it does not work to the liking of the Registrar, the managing board goes. Thus, in other words, the managing boards according to this Clause, ought to exist with the distinct approval of the Registrar. If it does not get the stamp of approval of the Registrar that cannot function. Granting that the Registrar is a very responsible person, a friend, philosopher and guide why should he not

[Mr. M. Sivatanu Pillai.]

give due consideration to the opinion of the general body meeting and dissolve a particular managing board, if it is not conducive to the interests of the members? If it is not for the good of the society for whose good is the managing board appointed? If it is not for the good of the society is it co-operation? If it is so, it is co-operation with a vengeance. There are other reasons for deleting this provision in respect of appointing the managing board. As my friend referred, even such powers may be exercised by the Registrar in respect of Taluk Boards and Financing Banks also. In other words the Registrar is trotted out as a supreme Demi-God. That is a thing which no real co-operator can accept. You will find from the provisions of the Bill that certain Clauses were copied from the Madras Act. But there are other provisions in the Bill which go against the provisions of the Madras Act but are taken from the Bombay Act, and certain other Clauses are taken from the Panjab Act. These are jumbled together and thrown up for this House to accept. I do not know whether the House has realised these inconsistencies in the Co-operative Bill as revised by the Select Committee. With this, Sir, I wind up that this is a highly retrograde step. If the particular managing board is not found working properly, why not liquidate the society or cancel it? For whose benefit does it exist? Why should there be the Registrar to come out and say "this is not good for you; but I will give you this Bill". Here is a question of co-operation highly questionable. A Co-operative society means that people have joined together voluntarily and have agreed to work for their mutual benefit. So this Clause as it stands militates against this fundamental principle of voluntary activities. If this Clause is retained the result will be that no man of self-respect and no believer of real democratic principles will ever be prepared to join or much less work a co-operative society. So I have absolutely no hesitation in condemning this Clause in the Bill.

MR. M. GOVINDA PILLAI (*Registrar of Co-operative Societies*): Sir, I oppose the amendment. The previous speaker has unfortunately omitted to mention a very pertinent circumstance. The existing provision in the Bill is neither a reproduction of any provision in any Act outside Travancore, nor is it the provision as it was originally inserted in the Bill when it was introduced into this House. The existing provision is entirely new, the result of considerable thought on the part of the Select Committee. It may also be said of the same provision that it is considerably less rigorous and more liberal than the provisions in Madras or Mysore or Bombay. Sir, this provision was first inserted in the Bill by the Devadar Committee. In their investigations, conducted throughout the State, there was an overwhelming majority in favour of the right of supersession being conferred on the Registrar. It was in pursuance of the expression of public opinion on the part of the majority of co-operators, that this provision was first introduced into this Bill. There was a conference of co-operators in Trivandrum presided by no less a personage than Mr. Ramadas Pantalu of Madras

and under his presidency a resolution, which has been practically reproduced in this provision, was passed. It was passed by an overwhelming majority.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether there is an exception with regard to the financing banks?

MR. M. GOVINDA PILLAI (*Registrar of Co-operative Societies*): The omission of financing banks was deliberately made because there was no financing bank in Travancore as in Madras. Hence the reference to financing bank was excluded.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether Mr. Ramadas Pantalu in his presidential address made any reference to this provision?

MR. M. GOVINDA PILLAI (*Registrar of Co-operative Societies*): He made no reference at all to the present Clause. In his opening address he dilated on the original Clause and severely criticised it. But in his concluding address, he made no reference to the resolution which was passed by a large majority and according to which the present Clause has been drafted. His silence may be construed as a tacit approval of the principle therein enunciated. Till now, I have not found any deprecatory reference to the present provision.

MR. P. C. KURIYAN (*Kottayam I*): May I know the date on which the conference was conducted?

MR. M. GOVINDA PILLAI (*Registrar of Co-operative Societies*): I believe, the Select Committee adopted this provision *after* the conference, because this provision is a mere reproduction of the resolution as it was passed and accepted by the conference held under the presidency of Mr. Ramadas Pantulu.

MR. M. SIVATANU PILLAI (*Tovala*): May I ask whether Mr. Ramadas Pantulu, in his concluding address did not express regret at the Registrar's absence at the conference?

MR. M. GOVINDA PILLAI (*Registrar of Co-operative Societies*): He did. I was really surprised, Sir, that a man of his eminence and status should have indulged in those remarks. The Registrar was not bound to attend the conference. He had his own duties to attend to, duties entrusted to him by the Government.

PRESIDENT: Order, order: the question of the deletion of Clause 47 has no bearing on the Registrar attending that conference.

MR. P. C. KURIYAN (*Kottayam I*): May I know whether Mr. Ramdas Pantulu made any statement deprecating the Registrar being given too much power?

MR. M. GOVINDA PILLAI (*Registrar of Co-operative Societies*): I did not hear.

PRESIDENT: The honourable member will repeat his question.

MR. P. C. KURIYAN (*Kottayam I*): May I know whether Mr. Ramdas Pantulu made any observation deprecating the vesting on the Registrar too much power?

MR. M. GOVINDA PILLAI (*Registrar of Co-operative Societies*): Should I dilate upon that, Sir?

I was pointing out, Sir, that our provision is far more liberal and much less rigorous than the provision in British India.

MR. M. SIVATANU PILLAI (*Tovala*): May I request the member to make a comparison between the provision here and the provisions in Madras and Mysore?

MR. M. GOVINDA PILLAI (*Registrar of Co-operative Societies*): This Bill has been published. The Madras and Mysore Acts are also published documents. It is open to the honourable member himself to institute the comparison if he wants. Anyhow, I can assure him that our provision is less rigorous and more liberal than the provision in Madras or in Mysore; it is open to him to satisfy himself about the correctness of my statement.

Sir, Mr. Sivatanu Pillai wants the Registrar to take the general bodies of the various societies into his confidence. I may say for the information of the House that in the case of several taluk banks and primary societies, during the past few years, the Registrar *has* been doing his best to remove some of the committee members, boards of managements and officers who have been mismanaging things. He has been appealing to the general bodies to see whether they would assist him in replacing unsatisfactory boards of management. But, unfortunately, there have been occasions when, due to the undue influence of and perversion of facts and figures by managements, they have succeeded in clinging to their office for years together in spite of all that the Registrar could do. In some cases the boards have continued for even 10 years and more; it has been impossible for the Department to dislodge them. The reason is not far to seek. The majority of the members of the general body are indebted to societies, and they feel they are obliged to the boards of managements for the loans that they have been able to get.

MR. M. SIVATANU PILLAI (*Tovala*): For whose benefit is a society allowed to continue?

MR. M. GOVINDA PILLAI (*Registrar of Co-operative Societies*): I have no doubt that it is for the benefit of the majority of the members. But on account of their ignorance and their inability to assert themselves due to their indebtedness, they are not able to work against the boards of management. As I have already stated, Sir, in every case, the Registrar tries his best to improve the working of the society before he adopts the rigorous and extreme step of cancellation.

MR. K. R. ELENKATH (*Kalkulam I*): May I correct the member? The Trivandrum Co-operative Conference took place in January 1936 whereas the Select Committee on this Bill held its meeting in April 1935.

MR. M. GOVINDA PILLAI (*Registrar of Co-operative Societies*): I only said, Sir, that that was my belief. If I am wrong I am open to correction. After all this is not a very material point.

As I have already stated, Sir, the Department has been trying its level best to remove unsatisfactory boards of management and to improve the working of the society, but our efforts have been in vain.

Sir, the Co-operative Societies Regulation has been in force from 1089; and in Madras, the Act has been working from 1912. Everywhere the necessity has been felt that the Department should be given more powers. It is not the desire here or elsewhere for the Government to interfere with this non-official activity. The only idea is that the movement should progress peacefully.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is there any provision in the Bill to prevent the exercise of undue influence on the committee members by the Registrar?

MR. M. GOVINDA PILLAI (*Registrar of Co-operative Societies*): I do not understand the question.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): The Registrar stated that he had to interfere when the members go wrong due to the undue influence of the board of management. I am asking whether there is any provision in the Bill which guarantees protection from undue influence by the Registrar himself.

PRESIDENT: Order, order; the question does not arise out of any provision in the Bill.

MR. M. GOVINDA PILLAI (*Registrar of Co-operative Societies*): I would again point out to the House that the provision in our Bill is much less rigorous and far more liberal than the provision in similar enactments elsewhere. I therefore oppose the amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I also oppose the amendment. I am interested in the Bill, and interested in seeing that this Clause is retained, interested though not as much as my friend Mr. Sivatanu Pillai seems to be interested in seeing that this Clause is deleted. I rise to oppose this amendment for the deletion of the Clause because I feel that, unfortunately, in the co-operative movement in Travancore, at present, there are people who make it impossible for the societies to work on co-operative principles. The authorities have found it impossible to get rid of such people, to save the co-operative societies from them. In Travancore, Sir, unfortunately, occasions have arisen, even in regard to such purely self-governing institutions as municipalities, where finding that there were members in such bodies who were cantankerous and working against the corporate good but for aggrandisement of power, the authorities have found that the only remedy was not to do away with such institutions but to adopt other suitable means. There have been instances in the case of municipalities where the President and some members have been asked to quit and others have been substituted.

MR. M. SIVATANU PILLAI (*Tovala*): May I ask whether in the case of such municipalities, the Government were bold enough to try a re-election?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : My friend seems to be under a misapprehension. I am not referring to any particular municipality. I am not concerned with any particular municipality, and I do not know the details of the case which my friend seems to have in view. I was only making a general remark. I am not going to allow myself to be diverted from the point at issue.

Sir, occasions have arisen when, due to the perversity of human nature, it became impossible for self-governing institutions to work up to their high ideals. Even the greatest supporters of popular movements, people who are dead against self-governing and non-official institutions being interfered with by Government agencies—even they have had occasion to recognise that there is perversion in human nature and that there is necessity under certain circumstances for the Government to intervene and control the working even of such non-official institutions. Sir, my only point is that occasions have arisen in the past when such interference on the part of Government became inevitable.

I would request the House to bear in mind the fact that the history of the co-operative movement in India is quite different from its history in the West. There, in the West, the movement was started on account of non-official initiative; and in the beginning the Governments concerned were looking at it even with some suspicion; it was only later on that the Governments recognised the merits of the movement and began to help it. That has not been the case in India. Here, the movement has been made possible by the active help and support of the Governments. If the movement has now a hold in the country it is entirely due to the initiative and the generous support of the Government. The moment the Government withdraw its control from the movement its prestige is sure to fall to the ground. It is no use arguing merely on first principles. We have to face concrete facts.

MR. K. R. ELENKATH (*Kalkulam I*): Does the member distinguish between control and dictatorship?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): If the honourable member had understood the correct meaning of the word 'dictatorship' I am sure he would not have asked this question. The provision now in question does not provide for anything like dictatorship. It is control pure and simple that you find in it. I do not think, Sir, that I am now called upon to explain to my friend the distinction between control and dictatorship, which is so well-known Of course, my honourable friend is at liberty to hold his own view. Only I beg of him not to impose, not to inflict upon me, his peculiar ideas, not to ask me to accept his wrong meaning - as I consider it—of words.

Sir, this provision was very carefully considered by the Select Committee. Some of us were of the opinion that there was necessity, owing to the existing conditions in Travancore, even for the more drastic provision that was in the Bill when it was introduced. Just then, the co-operative conference under the presidency of Mr. Ramdas Pantulu

was held. He made certain remarks in his opening speech without knowing anything of the details of the working of co-operative societies here. He was invited by a particular set of people. Even the validity of the conference and its representative character were questioned at the conference. Well, he was invited Nobody questions his eminence as a co-operator. But let me point out, Sir, that even his most ardent admirers will agree that, in the field of co-operation, India has none greater and more eminent than the late Mr. G. K. Devadhar, the President of the Servants of India Society.

MR. P. C. KURIYAN (*Kottayam I*): Is the member aware that Mr. Ramdas Pantulu has been accusing Mr. G. K. Devadhar as belonging to the Bombay School of Co-operation? (*Laughter.*)

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I do not wish to answer that question, Sir. I have yet to learn that it is a crime to belong to the Bombay School of Co-operators.

But what I wish to say is that the opinion of Mr. G. K. Devadhar, whose experience of co-operative movement is second to none and who has studied the conditions accurately by touring throughout the country and mingling with the people, should weigh with the House considerably. He is not a man who will advocate official interference where it is not necessary. He is not one who has not understood the principles of the co-operative movement. If personalities have to be quoted and if we are to go on the weight of the opinions of great persons then I will say that this Clause has the authority of Mr. Devadhar against the opinion of Mr. Ramdas Pantulu who has not understood the co-operative movement in Travancore. Anybody who has had anything to do with co-operative societies, who has been able to understand the incurable nature of some of the officers of some of the societies and the difficulty of dispensing with them, will support not only this but will surely advocate a more rigorous Clause. I can say that this Clause is not intended to be used, without careful consideration. I understand that this is not in consonance with the principles of co-operation. But this Clause is necessary on account of extraordinary circumstances. This dose of bitter medicine is necessary because we want actual co-operation to work and not allow bogus personalities to parade under the name of co-operators. It is necessary to protect the ordinary simple guileless co-operator from the exploitation of pseudo-co-operators. With these words, Sir, I have great pleasure in opposing the amendment.

MR. P. C. KURIYAN (*Kottayam I*): Sir, I too rise to oppose the amendment. It does not require a Devadhar or a Pantulu to study the conditions in Travancore. I am not a co-operator for very good reasons and my honest impression is that Travancore soil is not fertile for the co-operative movement. I would personally give the Registrar any amount of reserve powers. With these words I oppose the amendment.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): Sir, the House has been taken through certain channels of controversy from which I had been trying to extricate myself. The opinion of other

[Sadasya Tilaka T. K. Velu Pillai.]

people does not count in the determination of this question. Opinions are certainly opinions, and this House should value them. But that does not mean that this House should follow anybody's opinion.

I wish to lay before the House one or two facts. The co-operative movement, Sir, has been brought into existence and nurtured carefully by the Government. I do not agree with Mr. Kuriyan that the soil is not fertile for the co-operative movement. I think that considerable weeding and manuring are necessary for the thriving of co-operation in Travancore.

There are two reasons why I oppose the amendment. Firstly, the Registrar who is appointed from time to time over the department, whom my friend Mr. Kunjukrishna Pillai called as the friend, philosopher and guide of the co-operator, never remains there. Once they have been Registrars for some time they want to go out as Peishkars.

MR. P. C. KURIYAN (*Kottayam I*): May I know whether the member is aware that the previous Registrar was promoted as Division Peishkar?

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): I know very much more than my friend.

MR. P. C. KURIYAN (*Kottayam I*): I do not concede that position.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): As I am older than my friend I say that I know very much more than he.

My friend's question really supports me. That is why I would say rather than sending the Registrar away as Divisin Peishkar give him a decent pay.

Secondly, the Registrar is an innocuous man, an officer whose duty is quite different from that of District Superintendents of Police. Therefore, it was necessary after a careful examination of all the relevant facts to add to the powers of the Registrar. A conference sat in Trivandrum. How opinions can be manufactured in conferences is a matter known to everybody. If an able speaker puts a case before a multitude he will carry the day. I have travelled in various parts of the country and some months ago I had to open a co-operative conference in Perumpavur at which Mr. Govinda Pillai was also present. I asked many important persons of the locality about this increased power proposed to be given to the Registrar. I have not heard any man say that these powers should not be given.

MR. M. SIVATANU PILLAI (*Tovala*): May I know Sir, whether the testimony is relevant here?

PRESIDENT: The honourable member will proceed.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): Since the opinions of important persons have been placed before the House I thought I might refer to this. I am trying only to give moderate powers to the Registrar. These powers are necessary in the interests of the co-operative movement.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, I oppose the amendment. My reasons are based on actual experience gathered

during the last few years. The Registrar of Co-operative Societies is an officer with a lot of responsibilities and considerable power. But he has various disabilities. One of those is the absence of power to interfere in the management of societies whenever interference is called for. The result is that under the existing Regulation he can always pass orders, he can always advise the societies, but he cannot interfere and bring into effective force the advice he gives. The result was that he must use the penal powers of cancelling a Society, but he cannot use those powers as there may not be sufficient reasons for that course. My opinion is that he must have powers to admonish the committees, in regard to the audit report, in regard to the bye-laws, and in regard to the cancellation of orders passed by him. My submission is that this Clause is necessary in order to give powers to the Registrar over the committees. If the Registrar has to work properly and carry out the provisions of the Regulation, I submit that the provision similar to this is absolutely necessary. With these few words, I oppose the amendment.

MR. S. J. NAIR (*Nedumangad*) : Sir, I too oppose the amendment. If there is any provision in this Bill that would advance the cause of co-operation, I humbly submit that it is this provision. By means of this provision the Registrar is not made a dictator or an autocrat. When the Registrar finds that the committee of a society is not functioning properly the best thing he can do is to give an opportunity for the committee to clean its own Augean stables. If the Registrar finds that the committee is either unwilling, or unable to do so, he can supersede that committee by appointing another. Suppose that committee also fails, then the Registrar has got power under this Clause to appoint another committee. He cannot appoint that committee as he pleases. He must appoint members of that committee from amongst the members of the particular society and not from outside.

MR. K. R. ELENKATH (*Kalkulam I*) : May I ask whether the Registrar is given powers even to nominate persons who are not members of the societies ?

MR. S. J. NAIR (*Nedumangad*) : The Registrar can only nominate members from the society, and not any one from outside the society. This is what the Clause says :

> "He may, by order in writing, dissolve the committee and appoint a suitable committee consisting of as many members of that society as he may deem necessary to manage the affairs of the society for a specific period not exceeding one year".

MR. K. R. ELENKATH (*Kalkulam I*) : Is it obligatory on the part of the Registrar to nominate only members of the society ?

MR. S. J. NAIR (*Nedumangad*) : He cannot appoint any man from outside the society as he pleases. His powers are being restricted. The Registrar can ordinarily appoint them only for a period of one year. But he may extend that period from time to time provided that the total period shall not exceed two years.

[Mr. S. J. Nair.]

After the expiry of the appointed period that committee will have to convene a meeting of the society and the members of the society have got power to elect a new committee as they please. So by this provision in the Bill the Registrar is not given any unnecessary power at all, so that he could interfere with the workings of the principle of co-operation in regard to co-operative societies. He can only help the members of the society in order to advance the spirit of co-operation among themselves and safeguard the interests of the society. There is absolutely nothing, as some of my friends fear, that the Registrar may supersede societies and do this and that. He could not do so under the provisions of the Bill. So I oppose the amendment.

PRESIDENT : The amendment before the House is that Clause 47 be deleted.

The amendment was put to the vote of the House and lost.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*) : I move the following amendment:—

"*In Clause 47 add the following as sub-clause (6)* :

Any person aggrieved by the order of the Registrar under sub-section (1) dissolving a committee and appointing a new committee may appeal to Our Government within two months from the date of the order."

This amendment incorporates a general provision for an appeal on the order of the Registrar superseding a society. There is a volume of public opinion against this Clause. It is said that this Clause is against even the very principles of co-operation. The amendment I have suggested is a very modest provision. It only gives power to the aggrieved party to appeal to the Government on the order of the Registrar. I don't propose to say anything more, since much about this, was said when the former amendment was moved.

MR. M. SIVATANU PILLAI (*Tovala*) : I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I oppose the amendment. It is quite unnecessary that orders under this Clause should be subject to appeal. It will be seen that the first order under this Clause is one calling upon the society to elect a new committee. Is it the opinion of the honourable members that this order should be appealed against? If so, who is the aggrieved party ? Not the society. Because the society it is, that elects the committee. Then who is it that is aggrieved ? The late committee ? Why should that committee appeal against an order allowing the society to elect a committee ? It is such committees that want to stick to office that ruin societies. Such committees should not be tolerated.

MR. M. SIVATANU PILLAI (*Tovala*) : But the committee also is a part of the society.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : But who is the aggrieved party, the society or the committee ? And against whom is the appeal ? Against the society ?

The amendment was put to the vote of the House and lost.

The question that Clause 47do stand part of the Bill was then put to vote and carried.

Clause 47 was added to the Bill.

The question that clauses 48 to 56 do stand part of the Bill was then put to vote and carried.

The Clauses were added to the Bill.

Clause 57.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I move the following amendment:—

In Clause 57, sub-clause (1), add the following proviso, namely:—

" Provided that it shall be competent to Our Government, subject to rules, if any, as may be prescribed, to revise any decision passed by the Registrar under Clause (a) of sub-section (2) of Section 56.

The object of this Clause is to provide a supervising authority in respect of the decision of the Registrar when he is the first deciding authority. It is seen from Clause 57 that whenever a dispute arises the Registrar may either decide it himself or he may refer it to certain other authorities. If the Registrar himself takes the initiative and decides it there is nobody to supervise it. The existence of a supervising authority will act as an inducement to the first deciding authority, the Registrar in the present instance, to exercise greater care in the matter of his decisions. It is for this reason that I propose this amendment.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

MR. M. SIVATANU PILLAI (*Tovala*): I oppose the amendment. There is no necessity to supervise the decision arrived at by the Registrar because the Registrar forms no part of the society. Besides it must be presumed that he is the agent of Government and as such no supervising authority is needed.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I also oppose the amendment. I am rather surprised that from the attitude that has been taken by the Government in regard to other provisions of a similar nature they should move this amendment. It seems to me to be inconsistent. After the other amendments of a similar nature were passed on behalf of Government so that there should not be any dilatoriness in the proceedings, appeals in such cases cause delay. If there is no substantial case an appeal should not be made to lie with the Dewan. Here the Government themselves bring an amendment that there must be an appeal from the decision of the Registrar. What will Government do if the Registrar himself does not refer the matter to any other body, because the Registrar has got that power? Then no appeal will lie. This amendment will be dangerous because the Registrar will see that he does not refer the matter to any authority fearing that he may have to sit in judgment over that and after that his judgment will be revised by Government. It will lead to unnecessary delay. What is wanted is that things should not be kept pending unnecessarily. How

[Mr. K. Kunjukrishna Pillai.]

many appeals have been provided to Government? If an appeal is provided to Government in these matters it is likely to take longer time for decision, however vigilant a Government might be, because, appeals may be numerous. What is the good of that? Further the Registrar could circumvent this provision. He can at the first instance see that the matter is not referred to another authority and thus avoid an appeal on his decision. That will lead to further hardship, because, even in cases where he thinks there is necessity of referring the matter to another authority, he will not do it fearing that ultimately his decision might be overruled. I am rather surprised to find the Law Member taking this attitude when he comes to this Clause. I do not see and I am not convinced of the necessity for the provision of an appeal to Government in this matter. Therefore I oppose the amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I also oppose the amendment on this ground. Section 65 gives power to Government to revise any order of the Registrar. The Section reads as follows:—

> "Our Government or the Registrar may call for and examine the record of any enquiry or the proceedings of any officer subordinate to them or him for the purpose of satisfying themselves or himself as to the legality or propriety of any decision or order passed and as to the regularity of the proceedings of such officer. If in any case it shall appear to Our Government or the Registrar that any decision or order or proceedings so called for should be modified, annulled or reversed, Our Government or the Registrar, as the case may be, may pass such order thereon as to them or him may seem fit. The revising authority may also pass any interim order on such conditions or otherwise as it deems fit."

That is sufficiently comprehensive and I do not think why a proviso should be added to Clause 57.

MR. S. J. NAIR (*Nedumangad*): I support the amendment of the Law Member. The reason is that under Clause 56 enormous powers have been vested with the Registrar. After all, the Registrar is only a human being. To err is human. To say that when once the Registrar, a human being, errs that there shall not be an appeal upon the wrong he has committed, is not doing justice to the parties who are aggrieved. Further, the amendment says that an appeal shall lie to Government. It does not say that an appeal shall lie to any individual or to the Chief Secretary to Government or to the Dewan. The proviso says:—

> "provided that it shall be competent to Our Government subject to such rules if any—to revise any decision passed by the Registrar".

So an appellate authority is vested with the Government of Travancore and any society or party that is affected as a result of the decision of the Registrar has the right to appeal to the Government of Travancore. It is the greatest honour nay, privilege and safety, that could be conferred on the aggrieved party. Therefore I support the amendment.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*): I oppose the amendment. Under Section 56 the Registrar is constituted an arbitrator under the provisions of this Regulation.

(At this stage the Deputy President took the Chair).

Against the decision of an arbitrator nowhere in Civil law is an appeal allowed.

The award of an arbitrator is not a judicial decision and the Registrar is not called upon to make a judicial decision. Even though he is bound by certain rules of evidence, his decision is considered to be final and as such whether it is to Government or to some other extraneous body, an appeal against the award of the Registrar cannot be allowed. On that simple principle I oppose this amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Addditional Head Sirkar Vakil*) : Sir, the provision that I want to include is of the nature of a reserve power which may be exercised if it is thought fit.

The amendment was put to vote and carried.

Clause 57 as amended was put to vote and carried.

The Clause as amended was added to the Bill.

Clause 58.

Clause 58 was put to vote and carried.

The Clause was added to the Bill.

Clause 59.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I beg to move the following amendment :—

"*In Clause 59, line 3 after the figure 56 insert the following namely:*—

"*or by Our Government under the proviso to Section 57, Sub-Section (1)*".

It is only a consequential amendment.

MR. M. GOVINDA PILLAI (*Registrar of Co-operative Societies*) : I second it.

The amendment was put to vote and carried.

Clause 59 as amended was put to vote and carried.

The Clause as amended was added to the Bill.

Clauses 60 to 72

Clauses 60 to 72 were put to vote and carried.

The Clauses were added to the Bill.

Clause 73

MR KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) ; I beg to move the following amendment :—

"*In Clause 73, 2nd para, lines 1 and 2, for the words "for which he purchased substitute the words "against the purchase*".

In this Clause some how or other some words have been omitted or some mistakes committed. As it now stands it does not convey any meaning. The Clause as it stands now reads thus :--

"The sum due to the purchaser may be set off in whole or in part for which he purchased money ...."

To correct that mistake I have brought forward this amendment.

MR. M. GOVINDA PILLAI (*Registrar of Co-operative Societies*) : I second it.

The amendment was put to vote and carried.

The Clause as amended was put to vote and carried.

The Clause as amended was added to the Bill.

Clauses 74 and 75

Clauses 74 and 75 were put to vote and carried.
The Clauses were added to the Bill.

Preamble and Title.

The question that the Preamble and Title do form part of the Bill was then put to vote and carried.
The Preamble and Title were added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, the next stage of this Bill is the third reading. As some amendments have been carried to-day, I propose to make the motion for passing the Bill only to-morrow.

THE TRAVANCORE TRADE UNIONS BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to present the report of the Select Committee on the Travancore Trade Unions Bill and beg to move that the Bill as reported by the Select Committee be taken into consideration.

MR. M. GOVINDA PILLAI (*Registrar of Co-operative Societies*): I second it.

Clause 1

Clause 1 was put to vote and carried.
The Clause was added to the Bill.

Clause 2.

MR. P. S. MAHOMED (*Co-opted*): സർ, ഞാൻ ഈ ഭേദഗതിയെ ഇവിടെ അവതരിപ്പിച്ചുകൊള്ളുന്നു :—

In clause 2, sub-clause (g), line 4, omit the word "or" between the words "trade" and "industry" and add the following after the word "industry" "or organised plantations."

ആർഗനൈസ്ഡ് വക്കമെൻ എന്ന നിലയിൽ പ്ലാന്റേഷൻസിൽ ജോലിചെയ്യുന്നവരെക്കൂടി ഈ ബില്ലിന്റെ പരിധിയിൽ കൊണ്ടുവരണമെന്നുള്ളതാണ് എന്റെ ഉദ്ദേശം. സിലക്റ്റുകമ്മററിയിൽ ഇതിനെ സംബന്ധിച്ചു വാദപ്രതിവാദം നടത്തിയതിൽ ഇൻഡസ്ട്രി എന്ന പദത്തിൽ ആർഗനൈസ്ഡ് വർക്കമെൻ എല്ലാം ഉൾപ്പെട്ടുമെന്നു ഭൂരിപക്ഷം മെമ്പർമാരും അഭിപ്രായംപുറപ്പെടുവിച്ചുകൊണ്ടു പ്ലാന്റേഷൻ എന്നപദം ഇവിടെ ആവശ്യമില്ലെന്നു നിശ്ചയിച്ചു. എന്നാൽ പ്ലാന്റേഷനിൽ ജോലിചെയ്യുന്നതായ ആളുകൾ മററു വ്യവസായശാലകളിൽ തൊഴിൽചെയ്യുന്നവരെപ്പോലെ ഉള്ളവരാണെന്നു അർത്ഥം വരത്തക്കനിലയിൽ ഒരു വകുപ്പും ഈ ബില്ലിൽ കാണുന്നില്ല. വ്യവസായങ്ങളിലെ പല വശങ്ങളും പ്ലാന്റേഷൻസിലുണ്ടെങ്കിലും പ്ലാന്റേഷൻസിൽ പ്രത്യേകമായ ചില വ്യത്യാസങ്ങളുണ്ടെന്നാണ് റായൽ

കമ്മിഷൻ റിപ്പോർട്ടുകൊണ്ടു കാണുന്നതു്. ആ സ്ഥിതിക്കു് ഇൻഡസ്ട്രി എന്ന പദത്തിന്റെ വ്യാഖ്യാനത്തിൽ പ്ലാന്റേഷൻസ് കൂടി ഉൾപ്പെട്ടുമെന്നു വിചാരിക്കുവാൻ നിവൃത്തിയില്ല. റായൽകമ്മിഷൻ റിപ്പോർട്ടിന്റെ നർൻ-ാംവശത്തു പ്ലാന്റേഷനെ സംബന്ധിച്ചിങ്ങനെയാണു് പറയുന്നതു്:—

"We now pass from industries properly so called to a branch of activity which, while it is predominantly agricultural, has many features in common with industry The plantation represents the development of the agricultural resources of tropical countries in accordance with the methods of western industrialism! It is a larger scale enterprise in agriculture The plantation system connotes the acquisition of a limited but fairly extensive area for the cultivation of a particular crop, the actual cultivation being done under the direct supervision of a Manager who in some cases may himself be the actual proprietor. A considerable number of persons (the number may run as high as 4000) are employed under his control in the same way as the factory workers are under the control of the factory Manager, but there is one important difference in that the work is essentially agricultural and is not concentrated in a large building."

ഇതിൽനിന്നും ഇൻഡസ്ട്രി എന്നതിന്റെ ഡഫനിഷനിൽ പ്ലാന്റേഷൻസ് ഉൾപ്പെട്ടുമെന്നു വിചാരിക്കാൻ ന്യായമൊന്നും കാണുന്നില്ല. പ്ലാന്റേഷനിൽ ജോലിചെയ്യുന്നവരും വ്യവസായശാലകളിൽ ജോലി ചെയ്യുന്നവരെപ്പോലെതന്നെ ഒരു മാനേജ്മെന്റിന്റെ കീഴിൽ അനേകായിരമായി ജോലിചെയ്യുന്നവരാണു്. ഈ നിലക്കു പ്രത്യേകിച്ചും തിരുവിതാംകൂറിൽ ഫാക്ററികളിൽ ജോലിചെയ്യുന്നവരെക്കാൾ കൂടുതൽ രക്ഷ നൾകേണ്ടതു പ്ലാന്റേഷനിൽ ജോലിചെയ്യുന്നവക്കാണു്. ജോലിക്കാരുടെ കൺട്രോൾ, ജോലിയുടെ സ്വഭാവം, ജോലിക്കാരുടെ എണ്ണം ഇതെല്ലാം നോക്കിയാൽ ഫാക്ററി ജോലിക്കാരിൽനിന്നും യാതൊരു വ്യത്യാസവും പ്ലാന്റേഷനിലെ ജോലിക്കാർക്കുവരുത്തുവാൻ പാടില്ല. നേരെമറിച്ചു പ്ലാന്റേഷൻസിൽ ജോലിചെയ്യുന്നവക്കു കൂടുതൽ സൌജന്യങ്ങൾ നൾകേണ്ടതാണു്. എന്തുകൊണ്ടെന്നാൽ ഫാക്ററിജോലിക്കാരെപ്പോലെ മഴ നനയാതേയും വെയിൽ കൊള്ളാതേയും ജോലിചെയ്യുവാൻ പ്ലാന്റേഷനിലെ ജോലിക്കാർക്കു സാധ്യമല്ല. അവർഎപ്പോഴും കെട്ടിടത്തിനു വെളിയിൽ ജോലി ചെയ്യേണ്ടവരാണു്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sarkar Vakil*): പ്ലാന്റേഷൻ എന്നു പറയുന്നതിൽ തെങ്ങിൻതോപ്പുകളും ഉൾപ്പെട്ടുമോ?

MR. P. S. MAHOMED (*Co-opted*): ഞാൻ ആർഗനൈസ്ഡ് പ്ലാന്റേഷൻഎന്നാണു് പറയുന്നതു്. തെങ്ങിൻതോപ്പുകൾ ആർഗനൈസഡ് പ്ലാന്റേഷൻ ബേസിസിൽ നടത്തുന്നവെങ്കിൽ അതും ഉൾപ്പെടുത്തണം. അങ്ങിനേയുള്ളവ നമ്മുടെ രാജ്യത്തു അധികമില്ല.

MR. P. C. KURIYAN (*Kottayam I*): പ്ലാൻറേഷൻസിലുള്ള ജോലിക്കാർക്കു കൂടുതൽ സഹായം ആവശ്യമാണെന്നു റിപ്രസൻറേഷൻ ഉണ്ടോ?

MR. P. S. MAHOMED (*Co-opted*): റിപ്രസൻറേഷനുള്ളതിനെ പ്പററിമാത്രം പറയുന്നതിനല്ലാ ഇവിടെ വന്നിരിക്കുന്നതു്.

പ്ലാൻറേഷൻസിൽ ജോലിചെയ്യുന്ന അനേകായിരം ജനങ്ങളെ കൂടി വർക്കമെൻ എന്ന പദത്തിൽ ഉൾപ്പെടുത്തണം. അല്ലാത്തപക്ഷം ഫാക്ററി ജോലിക്കാരൊഴിച്ച മററാക്കും ഈ ബില്ലുകൊണ്ടു പ്രയോജനമില്ലെന്നുവരും. ഈ അഭിപ്രായത്തോടുകൂടി ഞാൻ ഈ ഭേദഗതിയെ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

DEPUTY PRESIDENT: You have the right of placing your views before the House.

MR. P. S. MAHOMED (*Co-Opted*) ടയിഡ് യൂണിയൻകൊണ്ടുള്ള ഉദ്ദേശം സാധുക്കളായ ജോലിക്കാർ സംഘടിച്ച് അവരുടെ അഭിവൃദ്ധിക്കു വേണ്ടി പ്രവൃത്തിക്കുകയും, അതിലേക്കു വേണ്ട സൌകര്യങ്ങൾ ഗവണ്മെൻറിൽനിന്നും ലഭിക്കുകയും ചെയ്യുക എന്നുള്ളതാണു്. സംഘടിച്ചുനിന്നു പ്രവർത്തിച്ചാൽ അവരുടെ ഗുണത്തിനുവേണ്ടി കൂടുതൽ പ്രവർത്തിക്കുന്നതിനു ഈ ബില്ലുകൊണ്ടു സൌകര്യം ലഭിക്കുന്നതാണു്. മുതലാളിമാരുടെ മൽസരം നീക്കണമെന്നൊ ഫാക്ററിയിൽ ജോലിചെയ്യുന്ന തൊഴിലാളികൾക്കു ആപത്തുവരുമ്പോൾ അവക്കു നഷ്ടം കൊടുക്കണമെന്നൊ മററു സഹായങ്ങൾ ചെയ്യണമെന്നൊ അല്ല ഈ ബില്ലുകൊണ്ടു് ഉദ്ദേശിക്കുന്നതു്. ഈ ബില്ലുകൊണ്ടു് ആർക്കും യാതൊരുദോഷവും വരാനില്ല. എന്നാൽ സംഘടനയോടുകൂടി പ്രവർത്തിക്കുന്നതിനു എല്ലാവക്കും സൌകര്യം ഉണ്ടായിരിക്കേണ്ടതു് അത്യാവശ്യമാണു്. ഫാക്ടറിയിൽ ജോലിചെയ്യുന്ന ആളുകൾക്കുമാത്രം ആ സൌകര്യം ലഭിച്ചാൽ പോരാ. ഈ ബില്ലുകൊണ്ടുള്ള ഗുണം എല്ലാ ജോലിക്കാക്കും ലഭിക്കേണ്ടതാണു്.

അതിനാൽ തൊഴിലാളികളുടെ അഭിവൃദ്ധിക്കുവേണ്ടി സംഘടിച്ച് പ്രവൃത്തിക്കണമെന്നുദ്ദേശിക്കുന്ന സംഘങ്ങളെഎല്ലാം രജിസ്റ്റർ ചെയ്യുന്നതിനുള്ള അവകാശം ഈ ബില്ലുകൊണ്ടു് ലഭിക്കണമെന്നാണു് ഈ അമൻറുമെൻറുകൊണ്ടു് ഞാൻ ഉദ്ദേശിക്കുന്നതു്.

DEPUTY PRESIDENT: Anybody seconding the motion?

MR. K. PADMANABHAN (*Chiryinkil I*): I second it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I oppose the amendment. The amendment was considered by the Select Committee and t was negatived by an overwhelming majority. There is nothing wrong

in trying this law in the case of big labour organisations. Generally it is found in British Indian legislations that plantation labour is not included. I am afraid that by the inclusion of plantation labour, the very term is vague, we do not know how the scope of the Bill will extend We do not know the exact import of the term plantation labour. What is a plantation ? In fact the wording is vague. Moreover I think that in labour legislation we ought to care for a certain amount of uniformity. We find that even under the New Government of India Act, labour legislation is kept in the concurrent list. Though we can make special changes when it is absolutely necessary it has been found feasible on all hands to have a more or less similar legislation for the common good of labour throughout the world. Sir, the question of conferring certain privileges and framing certain pieces of legislation for the benefit of labour was brought to the forefront ever since the Treaty of Versailles. The preface of that treaty gave special emphasis on conferring special amenities to labour to all nations. In India many labour legislations were introduced after the passing of conventions by the International Labour Convention at Washington, and now we find a tendency of uniformity in organisation and in legislation so far as labour is concerned. It is highly prejudicial to the workers to make a distinction and to make this unnecessary difference. Sir, to make matters clear, it is better to have a separate legislation for plantation labour. That would be the best method for serving the purpose. This amendment in the legislation will merely complicate issues and will create difficulties in the practical working of the legislation and also the furtherence of the interests of labour. Therefore I oppose the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I support Mr. Kottur Kunjukrishna Pillai.

The amendment was put to the vote of the House and lost.

MR. P. S. MAHOMED (*Co-opted*) : Sir, I move the following amendment :—

"*In Clause 2, sub-clause (h), add the following after the words " Trade Unions " at the end " or any associxtion formed for the purpose of ameliorating the condition of working class.*"

സർ, ട്രെയിഡ് യൂണിയൻകൊണ്ടുള്ള ഉദ്ദേശം സാധുക്കളായ ആളുകൾക്ക് സംഘടിച്ചുനിന്നു അവരുടെ അഭിവൃദ്ധിക്കുവേണ്ടി പ്രവർത്തിക്കുന്ന വിഷയത്തിൽ ഗവൺമെൻറിൽനിന്നും കൂടുതൽസഹായം ലഭിക്കുക എന്നുള്ളതാണ്. സംഘടനയോടുകൂടി പ്രവൃത്തിക്കുന്നതായാൽ അവക്കു ഇന്നത്തെതിൽനിന്നും കൂടുതൽ ശക്തിയുണ്ടാകുന്നതിനു വളരെ സൗകര്യം ലഭിക്കുന്നതാണ്. അല്ലാതെ ഇതു് മുതലാളിമാരോടു മൽസരിക്കുന്നതിനായി ഉദ്ദേശിക്കപ്പെട്ടിട്ടുള്ള ഒന്നല്ല. ഇതുകൊണ്ടു മറ്റൊരുത്തക്കും ഒരു ദോഷവും വരാനില്ല. ഈ ബില്ലിൻെറ പരിധിയിൽ എല്ലാ തൊഴിലാളികളേയും ഉൾപ്പെടുത്തി അവരവരുടെ അഭിവൃദ്ധിക്കുവേണ്ടി പ്രവർത്തി

[Mr. P. S. Mahomed.]

കുന്നതിനുവേണ്ട സൌകര്യം ഉണ്ടാക്കിക്കൊടുക്കേണ്ടതു അത്യാവശ്യമാണ്. ഫാക്ടറികളിൽ ജോലിചെയ്യുന്നവരെമാത്രം ഇതിൽ ഉൾപ്പെടുത്തിയാൽ പോരാ. എല്ലാ തൊഴിലാളികൾക്കും സംഘടിച്ചുനിന്നു പ്രവൃത്തിക്കുന്നതിനുള്ള സൌകര്യം ഉണ്ടാക്കിക്കൊടുക്കുക എന്നല്ലാതെ കുറേപ്പേർക്കുമാത്രം അതിനുള്ള സൌകര്യം ചെയ്തുകൊടുക്കാമെന്നു നിശ്ചയിക്കുന്നതു ഒരിക്കലും ശരിയല്ല. അതുകൊണ്ടു ജോലിചെയ്തു കാലക്ഷേപം കഴിക്കുന്ന എല്ലാപേർക്കും അവരുടെ അഭിവൃദ്ധിക്കുവേണ്ടി സംഘടിച്ചുനിന്നു പ്രവർത്തിക്കത്തക്കവിധത്തിൽ എല്ലാ സംഘങ്ങളേയും രജിസ്റ്റർചെയ്യുന്നതിനുള്ള അവകാശം ഈ ബില്ലുകൊണ്ടു ഉണ്ടായിരിക്കണമെന്നാണ് എന്റെ അമന്റുമെന്റിന്റെ ഉദ്ദേശം.

DEPUTY PRESIDENT: May I ask the honourable member what he means? Unless the amendment is accepted these people or any association formed for the purpose of ameliorating the condition of working class cannot come under this provision. The provision in the Clause is this :—

> "Trade Union' means any combination, whether temporary or permanent formed primarily for the purpose of regulating the relations between workmen and employers or between workmen and workmen or between employers and employers or for imposing restrictive conditions on the conduct of any trade or business and includes any federation of two or more Trade Unions".

Is there anybody seconding the amendment ?

MR. M. SIVATANU PILLAI (*Tovala*) : I second it.

MR. S. J. NAIR (*Nedumangad*): Sir, I oppose the amendment. If the amendment is accepted it may include even associations formed for political or for any other purpose. I may say that any other association formed for the amelioration of the working classes may also be brought in by this amendment. There may be a political association the object of which is to work for the amelioration of the working classes. That association would also come under this category if the amendment is accepted.

DEPUTY PRESIDENT: Are you advancing arguments or an explanation ?

MR. P. S. MAHOMED (*Co-opted*) : പൊളിററിക്കലായി പ്രവർത്തിക്കാവുന്ന സംഗതികൾ ഈ ബില്ലിൽ ലിമിററു ചെയ്തിട്ടുണ്ട് എന്നു അറിയാമോ?

MR. S. J. NAIR (*Nedumangad*) ആ ഏകകാരണം കൊണ്ടാണ് ഈ അമന്റുമെന്റു സ്വീകരിക്കാൻ പാടില്ല എന്നു ഞാൻ പറയുന്നത്.

MR. S. J. NAIR (*Nedumangad*) : So, if this amendment is accepted, any association formed for any other purpose, if one of its objects is the

promotion of the interest of the working classes, would come under this definition. That, in the long run, would work havoc so far as trade unions are concerned.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Sir, I rise to oppose the amendment. I was not able to follow the explanation given by the mover for the amendment. The mover was explaining his reason saying that it sought to bring in under the Trade Union any organisation of workers temporary or permanent. The definition is this :—

> "Trade Union" means any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers, or between workmen and workmen or between employers and employers, or for imposing restrictive conditions on the conduct of any trade or business and includes any federation of two or more trade unions".

The mover wants to add "or any associattion formed for the purpose of ameliorating the condition of working classes."

Sir, this association which he means may be an association that has nothing to do with labour as it is understood. It may be an association of doctors or of philanthropic workers formed for the purpose of giving some relief to labourers, who may not have anything to do with factory or industrial labour as such. It is really strange to find such a thing included in the definition of Trade Unions. The definition will become incongruous with the amendment. I oppose the amendment.

MR. M. L. JANARDHANAN PILLAI (*Co-opted*) : I oppose the amendment. It has been clearly explained in this House that there must be a definite function. When this becomes law, it allows a number of people, who have nothing else to do except to create agitation, to pretend themselves that they are benefactors?

MR. K. PADMANABHAN (*Chirayinkil I*) : May I know whether the member can furnish one instance where such a body exists?

MR. P. C. KURIYAN (*Kottayam I*) : Sir, I oppose the amendment. The amendment is not happily worded.

DEPUTY PRESIDENT : The honourable member seems to be dissatisfied with the English. This is a matter of opinion. After all, the excellence of English is not that which counts. You may explain the ambiguity in it.

MR. P. C.KURIYAN (*Kottayam I*) : "The condition of the working class" is correct.

DEPUTY PRESIDENT : You mean the plural, that is all your object.

MR. P. C. KURIYAN (*Kottayam I*) : Yes.

DEPUTY PRESIDENT : Anybody speaking?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I oppose.

The amendment was put to vote and lost.

DEPUTY PRESIDENT : Now the question before the House is that Clause 2 do stand part of the Bill.

The motion was carried and the Clause was added to the Bill.

Clauses 3 to 5.

Clauses 3, 4 and 5 were put to vote and carried, and the Clauses were added to the Bill.

Clause 6.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): I move the following amendment:—

In Clause 6, sub-clause (d), line 1, the word "adequate" be omitted.

Sir, the word is necessary here. This Clause relates to the provision to be contained in the rules of the Trade Unions. The sub-clause says, that such and such rules should be made for such and such purposes. Not only is the word unnecessary, to me it appears that it will cause positive danger if the word is left there. It gives the Registrar the discretion to say whether the rules framed are adequate or not.

DEPUTY PRESIDENT: Is it not also a matter of opinion?

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): That is my point. If a Registrar who is not well disposed towards the Trade Unions wants to stand in its way, this would be a very effective weapon in his hands to be used against them. He can very well say "your rules are not adequate." Why should such a power be given to him? Facility means reasonable facility *i. e.*, adequate facility. Retention of the word is dangerous. If a Registrar is not well disposed towards the growth of Trade Unions, by the help of this word, he can cause unreasonable delay. When there is an application for registry, he can even inhibit the growth of Trade Unions in Travancore.

DEPUTY PRESIDENT: According to the honourable member you will be improving the Clause if "facility" is left without the word 'adequate."

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I second it.

MR. S. J. NAIR (*Nedumangad*): I oppose. In the absence of the expression "adequate", the result would be as what the learned mover has understood it. The object of the amendment has been enunciated by him, that in the presence of the expression "adequate" the Registrar will have greater powers, etc. But the presence of the expression "adequate" will curtail his powers. This is my humble submission. The omission of the word might mean practically indefinite, facilities. The presence of the word "adequate" means reasonable facilities. Thereby the power of the Registrar is curtailed.

I oppose the amendment.

The amendment was put to vote and lost.

Clause 6 was put to vote and carried and added to the Bill.

Clauses 7 to 10.

Clauses 7 to 10 were put to vote and carried, and the Clauses were added to the Bill.

Clause 11

MR. P. S. MAHOMED (*Co-opted*): I move that in *Clause 11, sub-clause (i), line 3, delete the words "High Court" and insert the words "District Court in the District in which the registry is applied for."*

രജിസ്ട്രാരുടെ ഉത്തരവിന്മേൽ ഹൈക്കോടതിയിൽ അപ്പീൽകൊടുക്കുക എന്നുള്ളതു് തൊഴിലാളികൾക്കു വളരെ പ്രയാസമായിട്ടുള്ള ഒരു സംഗതിയാണ്. രജിസ്ട്രാരുടെ ആർഡറിന്മേൽ അപ്പീൽകേൾക്കുക എന്നുള്ളതിനും പുറമേ അത്യാവശ്യം വേണ്ട തെളിവുകൾകൂടി അവിടെ സ്വീകരിക്കേണ്ടതു് അത്യാവശ്യമാണ്. ബ്രിട്ടീഷിൻഡ്യയിൽ അങ്ങനെ തെളിവുകൾ സ്വീകരിക്കുന്നുണ്ടു്.

MR. S. J. NAIR (*Nedumangad*): ഹൈക്കോടതിയിൽ ഇങ്ങനെയുള്ള തെളിവുകൾ എടുക്കണമെന്നാണോ അഭിപ്രായപ്പെടുന്നതു?

DEPUTY PRESIDENT: I may just tell you for your information that the next sub-clause deals with that matter.

MR. P. S. MAHOMED (*Co-opted*): അപ്പീൽസംബന്ധമായ സംഗതികളെപ്പററിയല്ലാതെ ഒർജിനൽകേസിനെ സംബന്ധിച്ചു പറയുന്നില്ല.

ബ്രിട്ടീഷിൻഡ്യയിലെ ട്രേഡ്യൂണിയൻ ബില്ലിൽ ഹൈക്കോടതിക്കു അത്യാവശ്യം വേണ്ട തെളിവുകൾ സ്വീകരിക്കാമെന്നു നിശ്ചയിച്ചിട്ടുണ്ടു്. ഈ ബില്ലിലും അങ്ങനെ ഒരു വാചകം ആദ്യം ചേർത്തിട്ടുണ്ടായിരുന്നു. ഇപ്പോൾ ആ വാചകം എടുത്തുകളഞ്ഞു. അതു വലിയദോഷമാണ്. അപ്പീൽ കേൾക്കുന്നതിനു ഡിസ്ട്രിക്ട്കോടതികൾക്കും അധികാരം നൽകേണ്ടതു അത്യാവശ്യമാണ്.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): രജിസ്ട്രാരുടെതീരുമാനത്തിന്മേൽ പുതിയ വ്യവഹാരം കൊടുക്കണമെന്നോ അതല്ല അതിന്മേൽ അപ്പീൽകൊടുക്കണമെന്നോ അഭിപ്രായം?

MR. P. S. MAHOMED (*Co-opted*): അപ്പീൽ കൊടുക്കണമെന്നാണ് എൻെറ അഭിപ്രായം.

MR. A. EASWARA PILLAI (*Kalkulam II*): I second the amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I oppose the amendment moved by Mr. P. S. Mahomed. In the Bill as it is passed, the question of getting a Trade Union registered is of very vital importance, so far as the industrial worker is concerned, because by the changes made by the Select Committee to Clause 14 of the Bill it has become impossible for any Trade Union to function without being registered. If any association of workers functions, that association and its members will be liable to a punishment under Clause 30, 'sub-clause (1) to a fine of 500 rupees or so. So, there is a penalty for any workers'

[Mr. K. Kunjukrishna Pillai.]

union functioning under the Bill as it is, without registration. If for some reason or other a Registrar refuses to register a union of workers, or cancels a registered union, then it may be a question of life and death so far as that association is concerned.

No doubt, the Registrar is supposed to pass orders on evidence furnished to him. Sir, it is all very well to say that the right to adduce evidence has been taken away. But, what is the sort of evidence that is to be given? The Registrar has to make an enquiry before he registers a Trade Union. Certainly, he will have facts to go upon. He will be the original court for all practical purposes. Now, the question is whether the appellate court should be the High Court or the District Court. In a case where the Registrar, unjustly, let us take it, refuses to register a Trade Union, not only will the persons be not allowed to have a union, but if they form an association and do anything, they will be punished. That is the provision. So, the registration of a union is of vital importance under this Bill.

Sir, let us consider who will be the persons ordinarily interested in preventing the registration of these Trade Unions; of course, the rich employers, the influential capitalists, who in mofussil parts......

MR. P. C. KURIYAN (*Kottayam I*): May I know......

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Let me finish my sentence.

It is not unlikely that the subordinate courts may be influenced by these rich and influential employers. That was the reason why the Select Committee provided that the appeal over the decision of the Registrar should lie with the the highest court in the land.

MR. P. S. MAHOMED (*Co-opted*): ഒരുചോദ്യം.

DEPUTY PRESIDENT: Mr. Kuriyan stood up earlier to ask a question. Let him do it first.

MR P. C. KURIYAN (*Kottayam I*): Will the member be satisfied if a further appeal, from the District Court to the High Court, is provided for?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): It is not a question of my being satisfied. Why should there be that prolonged process of first appealing to the District Court and then to the High Court? We must remember that we are dealing with poor labourers.

MR. P. S. MAHOMED (*Co-opted*): ഡിസ്ട്രിക്റ്റുകോടതികളിലേക്കു കൊടുക്കുന്ന എവാഡുകളെ ഭേദപ്പെടുത്തുന്നു എന്നറിയാമോ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): അതിനാണ ഉത്തരം പറഞ്ഞിട്ടുള്ളത്. I think the member understands English.

Even that is objectionable since it involves unnecessary expenditure and unnecessary delay. The House should remember that unlike in the British Indian Act, an extra restriction has been provided here. No Union can function without getting, itself registered: and if anything is done without registration, it is visited with punishment.

This Bill imposes a penalty also. Therefore it is I say that the appeal should lie with the High Court, regarding the registration of the Union.

I therefore oppose the amendment.

MR. S. J. NAIR (*Nedumangad*): I also oppose the amendment. From the definition of the Trade Union we find that an association of employees and employers also constitutes a trade union. Who are these employers? The rich mill owners and factory owners, the influential capitalists? They are sure to influence the subordinate judiciary. In the interests of justice and fairness, it is better and safer that the High Court, the highest tribunal in the State is invested with appellate jurisdiction over the decisions of the Registrar.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Is it not cheaper and more convenient to appeal to the District Court?

MR. S. J. NAIR (*Nedumangad*): But, my fear is that some times justice may be denied in the lower courts. (*Laughter.*) It is only in the High Court that we can always expect the best form of justice. In local feuds between the poor employees, the bigwigs, after all, count, Sir. The Registrar is not such a big, rich man.........

DEPUTY PRESIDENT: That point has been sufficiently emphasised by the previous speaker.

MR. S. J. NAIR (*Nedumangad*): My friend Mr. K. Kunjukrishna Pillai emphasised more the poverty of the employees than the richness and influence of the employers, Sir. (*Laughter.*) I am referring to the affluent circumstances of the employers.

I also oppose the amendment, Sir.

DEPUTY PRESIDENT: Before I put the amendment to vote, I want to indicate to Mr. P. S. Mahomed that, under the law as it is, the appellate courts are empowered to direct the subordinate courts to take evidence.

The amendment was put to vote and lost.

The question that Clause 11 do stand part of the Bill was put to vote and carried.

The Clause was added to the Bill.

Clauses 12 and 13.

The question that Clauses 12 and 13 do stand part of the Bill was put to vote and carried.

The Clauses were added to the Bill.

Clause 14.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I beg to move that —
In Clause 14, sub-clause (2) be deleted.

Sub-clause (2) says:—

"(2) No trade union shall be formed or shall function unless it is registered under the provisions of this Regulation".

There is a proviso, which also I seek to delete in my next amendment.

Sir, this provision has been incorporated by the Select Committee. It is provided that, unless an association gets itself registered, it cannot function; and unregistered associations will not only be not allowed to function, but, if they work, they will be visited with a penalty. Sir, this is a very strange and novel provision. No such provision is found in any Trade Union legislation elsewhere.

[Mr. K. Kunjukrishna Pillai.]

Sir, my first objection to this provision is that it is against the very object of this Bill as it was introduced, and beyond its scope. This Bill makes registration compulsory. It was stated by the Law Member, in the Statement of Objects and Reasons printed along with the Bill that this piece of legislation will be purely permissive. That was the fundamental condition which this House imposed when it accepted the principle of the Bill at the first reading. The object of the measure was to enable Trade Unions to be formed; and it was stipulated that there will be no manner of compulsion in the Bill. Therefore, in introducing this provision, the Select Committee has gone beyond the scope of the Bill as it was introduced.

DEPUTY PRESIDENT: The honourable member has raised a very important point. That can be considered by the House only if the result of the work of the Select Committee and the details of the reference made to it are made available to the House.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): My contention is that in the Statement of Objects and Reasons, a sentence occurred to the effect that the Bill was intended to be purely permissive. That was an unconditional statement. That was the condition under which this House accepted the principle of the Bill. Further, that was what the Law Member also said in his speech, while introducing the Bill. Now, here, a compulsory provision has been introduced by the Select Committee. It says that no Trade Union shall exist unless it is registered. In other words, registration has been made compulsory. That is, certainly, against the optional nature of the Bill.

DEPUTY PRESIDENT: I do not want this important discussion, about the jurisdiction of the Select Committee, to proceed unless more details about the reference to the Select Committe are made available. It is better the Law Member speaks now.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Certainly, the fundamental principle of a Bill cannot be overridden by the Select Committee. Speaking for myself, I never thought that this provision would go against the principle of this Bill.

DEPUTY PRESIDENT: I am not in a position to pronounce any definite ruling on the point since full details about the reference are not forthcoming; and it is nearly five o'clock.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I shall try and get the papers and proceed with the discussion to-morrow, if that would not be inconvenient.

DEPUTY PRESIDENT: Even otherwise, you have got the right to continue the discussion to-morrow.

The House adjourned at 5 P. M.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Mulam Assembly.

PROCEEDINGS
of
THE TRAVANCORE SRI MULAM ASSEMBLY

OFFICIAL REPORT

FIRST ASSEMBLY

NINTH SESSION.

Saturday, the 21st November 1936/7th Vrischikam 1112.

The Assembly met again in the Victoria Jubilee Town Hall at Eleven of the Clock, with the President in the Chair.

NEW MEMBER SWORN IN.

Mr. G. Narayanan Tampi, President, Municipal Council, Trivandrum, took the oath and signed the rolls.

QUESTIONS AND ANSWERS.

Road from Peyaud to Vellanad.

68. * **MR. T. KRISHNA PILLAI** (*Neyyattinkara II*) : Will the Government be pleased to state :

(*a*) whether the road from Peyaud to Vellanad is completed ; and

(*b*) if not, the reasons, if any, for the delay in completing the same ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : (*a*) No.

(*b*) For want of sanctioned estimate and funds.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*) : May I know the total length of the proposed road from Peyaud to Vellanad ?

MR. G B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : Six and a quarter miles.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*) : May I know whether any portion of this road has been completed ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : Yes.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*) : May I know whether after the completion of the portion of the road the Chief Engineer has asked Government to sanction allotment for finishing the remaining portion of the road ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : No, owing to financial stringency funds are not available. But I may inform the honourable member that the work has not been dropped.

G. P. T. 1869—350.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*) : May I ask whether the Government consider the amount spent on this road is a mere waste ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : No.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*) : May I know whether the Government have taken steps against the officer responsible for spending some amount for the completion of the road partially and leaving it half done without any use or advantage to the public ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : I do not agree with that. As a matter of fact, the road is being done in sections according to the availability of funds. I cannot agree with the honourable member that the money has been wasted.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*) : In view of the fact that money has been spent for doing a portion of the road may I ask whether Government will consider the question of the completion of the road ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : That is a question of future action. As I told the honourable member just now the question has not been dropped. I hoped he would have been satisfied with that answer.

MR. S. J NAIR (*Nedumangad*) : May I know in which years the portion was completed ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : In 1100 and 1107

MR. S. J. NAIR (*Nedumangad*) : May I know why the P. W. D. has not submitted to Government any estimate for the completion of the remaining portion of the road ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : The Department know that funds will not be available and therefore they did not submit an estimate.

MR. S. J. NAIR (*Nedumangad*) : May I know whether it is not a penny-wise and pound-foolish policy to leave roads half completed ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : It is a matter of opinion.

MR. K. R. ELENKATH (*Kalkulam I*) : May I know approximately the extent of road that has yet to be completed ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : 3¾ miles.

MR. K. R. ELENKATH (*Kalkulam I*) : May I know how Government thought before such an estimate was prepared that funds will not be available ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : Government thought that in proportion to the portion that has already been completed, the second portion also will cost much.

MR. K. R. ELENKATH (*Kalkulam I*) : What will be the cost approximately ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : Rs. 10,000.

MR. K. R. ELENKATH (*Kalkulam I*) : May I know the length of the incomplete road ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : The road is six and one-fourth miles long and about a half remains to be completed.

Kollakadavu Bridge on the Chengannur-Mavelikara Road.

69. ***MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*) : Will the Government be pleased to state :

(*a*) the action hitherto taken by them or the Department for the construction of the Kollakadavu Bridge on the Chengannur-Mavelikara road ; and

(*b*) the observation made with regard to the construction of the above Bridge in the Administration Report of the P. W. D. for the year 1110 ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : (*a*) The member is referred to the reply to the interpellation No. 284 on page 936 of the Sri Mulam Assembly Proceedings Volume VII, No. 12 dated 20-4-1936.

(*b*) He is referred to page 31 of the P. W. D. Administration Report for 1110.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know what action has been taken in respect of the observation made at page 31 of the P. W. D. Administration Report for 1110 ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : I have already answered that question on a previous occasion. I said then that the design for the bridge had been prepared.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know the action taken subsequent to the observation made in the Administration Report ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : We are awaiting instructions from Government with regard to certain proposals made to Government.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know from Government the amount required for the construction of the bridge at Kollakadavu ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : No estimate has been prepared.

The Puliyur-Mannar Road.

70. ***MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*) : Will the Government be pleased to state :

(*a*) whether the Assistant Engineer, Mavelikara, has submitted any scheme or report to the Chief Engineer or the Executive Engineer, Quilon, for the improvement of the Puliyur-Mannar Road ;

[Mr. T. P. Velayudhan Pillai.]

(b) if the answer to part (a) is in the affirmative, the action taken on the same ; and

(c) whether the department (P. W. D.) has taken any steps for sanctioning a *junghar* service at the *Ittinayar Kadavu* ferry on the Puliyur-Mannar Road ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) :

(a) Yes.

(b) & (c) The estimate submitted by the Division Officer, Quilon, in which a *junghar* service at the *Ittinayar Kadavu* crossing is included, is pending sanction for want of funds.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know the amount required for opening the *junghar* service at the *Ittinayar Kadavu* crossing ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : The opening of the road and *junghar* is estimated to cost Rs. 6,720.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know the length of this road ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : I have not the materials at hand now to answer the question.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know the distance to go to Mannar from Puliyur *via* Mavelikara ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : I claim notice.

Water supply to the town of Alleppey.

71. ***MR. K. M. KRISHNAN** (*Ambalapuzha II*) : Will the Government be pleased to state :

(a) what the progress of the work in connection with the water supply to the town of Alleppey is ;

(b) how many wells were bored till now (10-3-1112) for the purpose ;

(c) whether water in all the wells bored is of the same quality ; and

(d) what will be the further time required to finish the work ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) :

(a) The investigation works are very nearly completed and the estimates are being prepared.

(b) Four trial borings were made, of which two failed to strike the underground stream and so had to be abandoned. The other two borings (the first and the fourth) were successful and have been installed as bore wells.

(c) Yes, in the two successful wells.

(d) Fifteen months from the commencement of the construction work.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know whether the wells will supply the necessary quantity of water?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): It is expected that they will.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know when the work will be completed?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The estimates are under preparation. The proposals for land acquisition are expected to reach Government next week. Land acquisition proceedings will be taken up soon. Administrative sanction has been accorded for the estimate, and tools and plants will be purchased immediately. The detailed estimates will reach the Government in about two months.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know the total estimated amount for the scheme?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): A detailed estimate has not yet been prepared. The work is estimated to cost approximately Rs. 10 lakhs.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): What is the amount approximately spent till now?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Two estimates for investigation have been sanctioned—one for Rs. 19,000 and and another for Rs. 25,000. The investigation is almost completed; but information about the expenditure actually incurred till now is not readily available.

The Land Mortgage Bank.

72. * **MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) the number of applications received, disposed of by rejection, and that by sanctioning, and the number pending in each of the years in the Land Mortgage Bank since its inception; and

(*b*) whether an year-war statement of applications pending relating to the years of 1108, 1109 and 1110 will be placed on the table with reasons thereof and duration of pendency in each office?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): Government consider that the time and labour involved in collecting the information required, will not be commensurate with the possible advantages to be gained thereby.

MR. S. J. NAIR (*Nedumangad*): May I know the number of applications received by the Land Mortgage Bank during all these years?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): 1839.

MR. S. J. NAIR (*Nedumangad*): May I know the number rejected?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): 460.

MR. S. J. NAIR (*Nedumangad*) : May I know the number of applications sanctioned ?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*) : 846.

MR. S. J. NAIR (*Nedumangad*) : May I know the number pending disposal ?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*) : 533.

MR. S. J. NAIR (*Nedumangad*) : May I know the reasons for the pendency of such a large number of applications in the Bank ?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*) : It is difficult to find out the reason in each case. The applications are pending in various offices such as those of the Tahsildar, the Assistant Peishkar, the Division Peishkars, the Sub-Registrar, the Legal Adviser and the Bank itself. We have to collect all the applications if the reason is to be found out. That is why the answer has been given that the time and labour involved in collecting the information required will not be commensurate with the advantages to be gained thereby.

MR. S. J. NAIR (*Nedumangad*) : Will the Government see that hereafter the applications are disposed of as early as possible ?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*) : Certainly.

MR. K. R. ELENKATH (*Kalkulam 1*) : What is the average length of time taken for the disposal of an application ?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*) : I have not got the information.

Power-House at Pallivasal.

73. ***MR. K. A. NARAYANA PILLAI** (*Todupuzha* cum *Devicolam*) : Will the Government be pleased to state :

(*a*) whether the present Power-House at Pallivasal has been inspected by any Engineer from outside the State ;

(*b*) if so, who were they and what necessitated their inspection; and

(*c*) whether they have submitted any report on their inspection ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) :

(*a*) Yes.

(*b*) Signor Marcello and Major Howard. Signor Marcello's visit was to advise Government on the designs of the Head Works of the Pallivasal Hydro-Electric Project. Major Howard's visit was to advise Government on certain technical aspects of the works connected with the Project.

(*c*) Yes.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*) : May I know whether any other Engineer was consulted when the headworks were started ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : No, Sir.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): May I know how the work was begun without consulting any expert Engineer on the subject?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): No *other* expert Engineer was consulted.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): What was the nature of the advice sought for by Government from these Engineers?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): There were certain special problems connected with this work. One, for example, was whether there was necessity for a decantation chamber to deal with the accumulation of silt.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): May I know whether the advice given by Major Howard was on the same subject?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Major Howard was consulted in regard to the scheme generally and not on any particular aspect of it.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): May I know whether the reports submitted by them contained the advice sought for by Government?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*); Certainly.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): May I know whether these reports will be published?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): They are treated as confidential.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): May I know whether Major Howard recommended the transfer of the civil section of the work?

PRESIDENT: The official member has already answered that the report is confidential. To take it bit by bit and ask whether the civil section was transferred as a result of the advice etc., would be really to destroy the confidential character of the information.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether, according to Major Howard's report, there was any necessity for the alteration of the plant?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The contents of the report are confidential.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether the Engineers were given any remuneration?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The Italian Engineer was given Rs. 12,500; and Major Howard was given a bonus of Rs. 2,000; and the Madras Government were given his pay and allowances for the week he spent in Travancore.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether it was because Government thought that one of them was not competent enough to deal with the question that they sought the opinion of both?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): As I said, Sir, the Italian Engineer was consulted in regard to a particular problem, while Major Howard was called in to report about certain technical aspects of the scheme generally.

MR. K. R. ELENKATH (*Kalkulam I*): Did the Government think that one of them was not competent to deal with both the questions?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): After consulting the Italian Engineer, Government consulted Major Howard also.

MR. P. C. KURIYAN (*Kottayam I*): May I know whether it was as a result of this advice that they thought that the work will be finished this year?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): I do not know whether the completion of the work has much to do with the advice tendered by them.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know how long it will take to complete the scheme?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): It will be completed in 8 to 10 months if all goes well.

Expenditure on the Pallivasal Hydro-Electric Scheme.

74. * **MR. K. A. NARAYANA PILLAI** (*Todupuzha cum Devicolam*): With reference to the answer to question No. 240 answered at the last session (on 7th August 1936), will the Government be pleased to state:

(*a*) the causes of the slip and the nature of the protective work carried on;

(*b*) whether the investigation referred to therein is over;

(*c*) whether the estimate referred to therein has been prepared; and

(*d*) if so, what is the additional expenditure that has been incurred?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*):

(*a*) The causes of the slip are still under investigation. The necessary protective works will be carried out as soon as the investigation is completed.

(*b*) to (*d*) In view of the answer to part (*a*) these questions do not arise.

MR. K. A. NARAYANA PILLAI (*Todupuzha cum Devicolam*): May I know whether the slip has affected the Power House?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The slip is two hundred feet away from the Power House.

MR. K. A. NARAYANA PILLAI (*Todupuzha cum Devicolam*): May I know how long the investigation of the causes of the slip has been going on?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): For about three or four months now.

MR. K. A. NARAYANA PILLAI (*Todupuzha cum Devicolam*): May I know whether the Electrical Department itself is carrying on the investigation or any other department is doing it ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The Civil Engineering Department is, I believe, carrying on the investigation.

Acting Graduate Teachers.

75. ✱ **MR. V. K. VELAPPAN NAIR** (*Vaikam*): Will the Government be pleased to state :

(*a*) the number of acting graduate men teachers in the Gazetted staff of the Education Department who entered service as early as 1101 M. E. and who have put in six or more years of service before 31-10-1111 ;

(*b*) the number of vacancies that occurred in the said cadre in the Department from 1101 to the close of 1110 ;

(*c*) how many of these vacancies have been filled ;

(*d*) whether preference was given to acting men ;

(*e*) if so, how many of them were confirmed ; and

(*f*) whether fresh hands were entertained in service overlooking the claims of these acting men ?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*):

(*a*) 14.

(*b*) 93.

(*c*) 64.

(*d*) Yes.

(*e*) 45.

(*f*) Yes.

MR. V. K. VELAPPAN NAIR (*Vaikam*): With reference to the answer to part (*a*), may I know why these 14 teachers were not confirmed while there were 93 vacancies ?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Acting teachers were confirmed, in accordance with their rank in the seniority list.

MR. V. K. VELAPPAN NAIR (*Vaikam*): I understand from the answer to part (*a*) that there are 14 acting teachers at present. I should like to know why they were not confirmed.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Because there were no more permanent vacancies at the time when the others were confirmed.

MR. V. K. VELAPPAN NAIR (*Vaikam*): My question is whether the Government will be pleased to state the number of acting graduate teachers who had put in more than six years' service ?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): That question has already been answered. A good number of teachers are now acting for various reasons. In the first place there was some uncertainty about the seniority list. The Education Reforms Committee had recommended the abolition of the list. Government were in two minds about that question, whether they should abolish the list or modify it. Subsequently the Standardisation Scheme came in.

[Mr. C. V. Chandrasekharan.]

Then the G. O. on recruitment to the Public Service laid down another principle and Government ordered that all appointments should be regarded as provisional. Owing to a conjuncture of such circumstances a good number of people with considerable acting service remained unconfirmed. But the matter is now receiving attention.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know in answer to part (*f*) the number of fresh hands who were entertained in service over-looking the claims of acting hands?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): About 19.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know the reasons for that?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): In some cases it was due to retrenchment. Owing to retrenchment in the Colleges, people who were retrenched had to be provided for in the schools. In other cases it was due to superior academic qualifications.

MR. K. R. ELENKATH (*Kalkulam I*): May I know wrether any raw-men are included in the number 19?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): The honourable member must explain what he means by raw-men?

MR. K. R. ELENKATH (*Kalkulam I*): Besides those who were transferred from Colleges the member said that some hands were newly entertained. I want to know the number of fresh men so entertained?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): A few men with superior qualifications, mostly western, were preferred to acting men.

Cultivation of Tobacco in Travancore.

76. *MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) whether they have passed the rules regarding the question of cultivation of tobacco in Travancore; and

(*b*) if the answer to part (*a*) is in the negative, the reasons for the same?

MR. C. O. MADHAVAN (*Excise Commissioner*):

(*a*) No.

(*b*) Draft Rules for regulating the cultivation of tobacco are under the consideration of Government.

Private School Teachers.

77. *MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*): Will the Government be pleased to place on the table a statement showing the number of private school teachers belonging to each of the various communities recognised in the matter of recruitment to Public Service?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Government consider that the time and labour involved in collecting the information, asked for by the member, are out of all proportion to its possible utility.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*): May I know whether after receiving the same question during the last Budget Session the Director of Public Instruction attempted to gather information on the subject from his subordinates?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): No, Sir, I do not recollect having done that.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*): May I know whether it was without the knowledge of the Director of Public Instruction the Divisional Inspectors and their assistants wrote to the managers calling for information on this question and sending them to the Director?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): If my memory serves me right, I do not remember to have done anything of the kind. But an inquiry may have been made by the Divisional Inspectors.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*): May I know from the Director what was the result of the enquiry made through his subordinates?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Presumably, the enquiry if it was started was not proceeded with.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*): May I know whether the Director of Public Instruction got any replies from the Divisional Inspectors on this matter?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Sir—

MR. S. J. NAIR (*Nedumangad*): I rise to a point of order.

PRESIDENT: Order, order. Let the Director of Public Instruction finish the answer.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): As I said, Sir, we have not collected any definite information. And the Government consider that the time and labour involved in collecting the information asked for by the member are out of all proportion to its possible utility.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*): My question is whether the Director attempted to collect information on this matter from his subordinates?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I have already said that I do not remember to have done so. There is no point in pursuing the same question.

MR. S. J. NAIR (*Nedumangad*): When the member put a question to the Director of Public Instruction the point of order I wanted to raise was this. May I know whether we are permitted to put questions to any departmental head as such or whether to the member representing Government?

PRESIDENT: Slight technical irregularities may perhaps be excused.

Sale of Toddy.

78. *MR. G. NILAKANTAN (*Nominated*): With reference to the statement on page 19 of the Administration Report of the Excise Department for 1110 that the toddy yielded from the licensed trees is estimated at 10,178,070 gallons (ten millions one hundred and seventy-eight thousand and seventy), will the Government be pleased to state the total sale price of this toddy?

MR. C. O. MADHAVAN (*Excise Commissioner*): The total price of 10,178,070 gallons of toddy will amount to Rs. 65,43,045 calculated on the basis of 18 chs. per Imperial gallon, the minimum price fixed in the notice of sale of toddy shops.

Export of Cocoanuts.

79. *MR. T. K. ALEXANDER (*Kunnatnad I*): Will the Government be pleased to state:

(*a*) the number of cocoanuts exported through the Quilon and Kundara Railway customs in 1110 and 1111; and

(*b*) the duty realised for the same at these customs houses in each of these years?

MR. C. O. MADHAVAN (*Excise Commissioner*): (*a*) & (*b*) The information required by the member is placed on the table.

MR. T. K. ALEXANDER (*Kunnatnad I*): May I know from Government whether they have tried to ascertain the reason for the abnormal export of cocoanuts through the Quilon and Kundara Railway Stations?

MR. C. O MADHAVAN (*Excise Commissioner*): Probably there is great demand for the same.

MR. T. K. ALEXANDER (*Kunnatnad I*): May I know who was responsible for such demand? Was there any private agency who took up orders in the matter?

MR. C. O. MADHAVAN (*Excise Commissioner*): The merchants exporting cocoanuts.

MR. T. K. ALEXANDER (*Kunnatnad I*): May I know whether there is any reduction in Railway freight?

MR. C. O. MADHAVAN (*Excise Commissioner*): I have no information.

Introduction of compulsory Primary education.

80. *MR. M. MAHOMED HANEEF (*Nominated*): Will the Government be pleased to state:

(*a*) whether they have received repeated representations regarding the introduction of compulsory primary education in the State; and

(*b*) if the answer to part (*a*) is in the affirmative, whether they will be pleased to state the nature of the action taken on the same?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*):

(*a*) Yes.

(*b*) It is considered that the time is not yet ripe for the introduction of compulsory primary education in the State.

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* *Vide* Appendix I.—page 321.

MR. M. SIVATANU PILLAI (*Tovala*): May I have an idea from the Government as to the circumstances which prompted them to say that the time is not ripe for the introduction of compulsory primary education in the State?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): That the department should have plenty of funds is one of the most important desiderata.

V. P. School for Muslims at Todupuzha.

81 *__MR. K. A. NARAYANA PILLAI__ (*Todupuzha cum Devicolam*): Will the Government be pleased to state:

(*a*) whether the Muslims of Todupuzha had applied for a separate V. P. School for Muslims at Todupuzha; and

(*b*) if so, when and what action has been taken on it?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*):

(*a*) Yes.

(*b*) There were two applications—one on 11-11-1106 and the other on 15-12-1109.

The Division Inspector of Schools, Muvattupuzha, has been asked to report whether the Muslims are prepared to run a school under private management.

MR. K. A. NARAYANA PILLAI (*Todupuzha cum Devicolam*): May I know the date on which the Divisional Inspector was called upon to report?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): About four months ago.

Importation of Petrol, Kerosene oil and Crude oil.

82. *__MR. A. THANU PILLAI__ (*Trivandrum-Rural*): Will the Government be pleased to lay on the table a statement showing the quantity of (*a*) petrol (*b*) kerosene oil and (*c*) crude oil imported into the State during each of the last five years?

MR. C. O. MADHAVAN (*Excise Commissioner*): A †statement showing the quantity of petrol and kerosene oil imported into the State during each of the past five years is laid on the table. Statistics of imports of crude oil are not available.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know from the member, why there is great difference in the figures of imports during 1110 and the other two previous years in respect of petrol and kerosene?

MR. C. O. MADHAVAN (*Excise Commissioner*): I am not in a position to explain the disparity for these figures. The statistics collected are what is given.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know the agency that collects these figures

MR. C. O. MADHAVAN (*Excise Commissioner*): Customs officers.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know the reason for the great difierence in respect of kerosene between the figures in 1109 and 1110 and the figures of two previous years?

† *Vide* Appendix. II—page 321.

MR. C. O. MADHAVAN (*Excise Commissioner*) : I am not in a position to give the reasons. The figures are given as per the statistics collected. There might have been larger imports, perhaps for re-export.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : May I know whether the member is satisfied that there is some defect in respect of the agency that collects statistics?

MR. C. O. MADHAVAN (*Excise Commissioner*) : I do not contend that the arrangement is perfect. As for that matter we are going to introduce a new system by which accurate statistics can be collected.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : May I know whether these are dutiable articles?

MR. C. O. MADHAVAN (*Excise Commissioner*) : No.

MR. A. THANU PILLAI (*Trivandrum - Rural*) : May I know whether any import duty was levied in respect of these articles?

MR. C. O. MADHAVAN (*Excise Commissioner*) : None in Travancore.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : In British India?

MR. C. O. MADHAVAN (*Excise Commissioner*) : Yes.

MR. A. THANU PILLAI (*Trivandrum—Rural*) ; May I know whethe of these articles are imported through Travancore ports, any duty is levied?

MR. C. O. MADHAVAN (*Excise Commissioner*) : Only for direct importation from foreign countries.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : May I know whether these are dutiable articles if they come direct from foreign countries?

MR. C. O. MADHAVAN (*Excise Commissioner*) ; Yes.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : May I know from Government whether they get any contribution from the duty levied by the Government of India.

MR. C. O. MADHAVAN (*Excise Commissioner*) : We get a contribution from the petrol fund,

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : May I know whether any separate forms are maintained for the collection of statistics?

MR. C. O. MADHAVAN (*Excise Commissioner*) : Yes.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : May I know, whether the contributions rise or fall in proportion to the quantity imported into Travancore?

MR. C. O. MADHAVAN (*Excise Commissioner*) : I claim notice.

RAO SAHIB MAHA KAVI S. PARAMESVARA AIYAR (*Nominated*) : May I know what is the new arrangement that the member said in regard to the collection of statistics?

MR. C. O. MADHAVAN (*Excise Commissioner*) : The Government propose to depute an officer to important British Indian custom houses for training in the collection and compilation of statistics.

Appendix I.

Vide Answer to Question No. 79.

Statement showing the export of cocoanuts through the Quilon and Kundara Railway Stations in 1110 and 1111 and the duty realised.

Years.	Quilon Railway Customs.				Kundara Railway Customs.			
	Number of cocoanuts exported.	Duty realised.			Number of cocoanuts exported.	Duty realised.		
		Bh. Rs.	As.	P.		Bh. Rs.	As.	P.
1110	29,112	44	4	4	16,12,979	2,420	15	9
1111	6,70,624	1,006	10	2	38,14,598	5,724	2	7

Appendix II.

Vide Answer to Question No. 82

Imports of Petrol and Kerosene oil.

Article	Years.				
	1107	1108	1109	1110	1111
	Gls.	Gls.	Gls.	Gls.	Gls.
Petrol	20,21,873	18,19,744	25,22,100	38,47,993	22,80,926
Kerosene oil	29,65,134	35,91,185	64,36,904	68,19,188	59,88,228

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Sir, before proceeding to the next item in the agenda I wish to make statement n respect of interpellations. For this session, I find, from the list of questions admitted by the President, as many as 414 questions for answers. Till now only 85 questions have been answered. Sir, under the Rules and Standing Orders the first hour of every day is to be devoted to answering questions. It will be seen that during this week practically the questions were finished within half an hour and the questions set down for the day were finished in the record time of five minutes yesterday. The House will remember that fact quite well. Anyhow, there is great disparity between the number of questions admitted and the number of answers that were supplied till now. I need not say that this is a very important privilege, *viz.*, the right of interpellations conferred upon the members. I am sorry to say that that privilege is being denied. I fear that...........

PRESIDENT: The honourable member means thereby "minimised".

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Yes, Sir. Probably the Government may say that answers for some of the questions were not obtained within time. Sir, under the Rules, 12 days' notice is allowed for the sending of interpellations to Government and I am sure that answers for almost all the questions could be easily obtained by communication from all the mofussil places, because almost all the places in the State are within reach of 3 days' communication by anchal. So far as offices in Trivandrum are concerned almost all the offices are supplied with telephone connections. Considering all these circumstances, answers to questions could be obtained early enough. From the list of interpellations I find, many of them are such that answers for them could be obtained without communicating to mofussil offices. But even then the head offices are situated in the town of Trivandrum. Under these circumstances I request you, Sir, to see, that this subject of interpellations and answers is given its due weight.

PRESIDENT: Before I make a statement I should like to hear the Chief Secretary.

RAO BAHAUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Sir, it is true that it has been possible to answer only about 15 questions on an average daily during the last few days and I must say that the Government are doing their best to collect answers and include as many questions as possible in the agenda for each day. The matter is not so easy as my friend Mr. Pacode Narayana Pillai makes out. Most of the questions have to be sent to the heads of departments who have to refer them to their subordinates. Take for instance a question relating to the Land Revenue Department. It has to filter down from the Revenue Commissioner to the Division Peishkar, to the Assistant Peishkar, to the Tahsildar and finally to the Proverthicar before answers could be obtained and so it does take some time. But I must say that the Government are putting all possible pressure upon to heads of departments by sending them reminders almost every day and asking them to send in their answers promptly. As I have already said every possible effort is being made to answer as many questions as possible. But I may say that though only about 15 questions

a day have been answered during the last few days, I think it is possible to answer for the next few days on an average from 25 to 30 questions daily as we have now received sufficient answers.

MR. K. R. ELENKATH (*Kalkulam I*): According to the Rules questions have to be sent 12 clear days before the date of the meeting. May I know whether the consideration of probable delay in getting the answers ready by a lot of correspondence etc., did not weigh with the Government when they fixed the numuber of days by such a rule?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): That is the minimum number of days for the notice. I repeat that Government are doing all that is possible to expedite the answering of questions and from next day onwards more questions will be answered.

PRESIDENT: I fully realise that the right of interpellations is a valuable privilege exercisable by the members of the legislature. At the same time the members of the legislature will also see that the various departments, both in the metropolis and in the districts, should have sufficient time in order to answer the questions thoroughly and precisely. To insist upon too short a time may mean that the answers may take a non-committal or inconclusive form. Therefore its necessary to reconcile all these things. Care will be taken hereafter that the exercise of the privilege will not be curtailed or minimised in any—manner.

Legislative Business.

THE TRAVANCORE ANCIENT MONUMENTS PRESERVATION BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I propose to move the third reading of the Travancore Ancient Monuments Preservation Bill. Before I make the motion I wish to move a few amendments which are more or less of a verbal character.

My first amendment is as follows:—

In Clause 7, sub-clause (5)

(*a*) *for the word "be" occurring between "shall" and "prepared" substitute the words "not lie if not",*

(*b*) *for the word "the" occurring before the word "Dewan" substitute the word "Our" and*

(*c*) *for the word 'prescribed" substitute the word "said"*

"The Clause as passed yesterday will read thus:—

"An appeal under sub-section (3), shall be preferred within sixty days of the date of service of the copy of the order under sub-section (4) except where he satisfies the Dewan that he had sufficient cause for not preferring the appeal within the prescribed period".

As amended the Clause will read thus:

"An appeal under sub-section (3), shall not lie if not preferred within sixty days of the date of service of the copy of the order under sub-section (4) except where he satisfies Our Dewan that he had sufficient cause for not preferring the appeal within the said period".

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

PRESIDENT: This is only a verbal amendment. It has been moved and seconded. In Clause 7, sub-clause (5), the following amendments be made:—

(*a*) for the word "be" occurring between "shall" and "preferred" substitute the words "not lie if not",

(*b*) for the word "the" occurring before the word "Dewan" substitute the word "Our", and

(*c*) for the word "prescribed" substitute the word "said".

The amendment was put to the vote of the House and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to move as follows:—

"In Clause 19, sub-clause (5)

(a) for the words "be preferred before the expiry of" substitute the words "not lie if not preferred within",

(b) for the word "the" occurring before the word "Dewan" substitute the word "Our" and

(c) for the word "prescribed" substitute the word "said"

The Clause as it now stands reads thus:—

"An appeal shall be preferred before the expiry of sixty days from the date of service of the copy of the order under sub-section (4) unless the appellant satisfies the Dewan that he had sufficient cause for not preferring the appeal within the prescribed period".

As amended the Clause will read thus:—

"An appeal shall not lie if not preferred within sixty days from the date of service of the copy of the order under sub-section (4) unless the appellant satisfies Our Dewan that he had sufficient cause for not preferring the appeal within the said period".

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

PRESIDENT: Moved and seconded —

In Clause 19, sub-clause (5)

(*a*) for the words "be preferred before the expiry of" substitute the words "not lie if not preferred within",

(*b*) for the word "the" occuring before the word "Dewan" substitute the word "Our", and

(*c*) for the word "prescribed" substitute the word "said"

That also is purely a verbal amendment.

The amendment was put to the vote of the House and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I now beg to move that the Travancore Ancient Monuments Preservation Bill, as now amended, be finally passed

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

PRESIDENT: Moved and seconded that the Travancore Ancient Monuments Preservation, Bill as non amended be passed.

The motion was carried and the Bill was passed into law.

THE TRAVANCORE CO-OPERATIVE SOCIETIES BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Before moving for the passing of the Travancore Co-operative Societies Bill I beg to move as follows:—

In Clause 1, sub-clause (1) substitute the figure 1112 for the figure 111.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

PRESIDENT: It has been moved and seconded that in Clause 1, sub-clause (1), the figure 1112 substituted for the figure 111.

The amendment was put to the vote of the House and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the Bill as now amended be passed.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

The motion was put to the vote of the House and carried and the Bill was passed.

THE TRAVANCORE TRADE UNIONS BILL.—(*contd.*)

Clause 14.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Yesterday I have moved that in Clause 14, the sub-clause (2) be delete. By moving that amendment what I wanted to achieve was to restore the Bill to its original position as it was introduced by Government and as it exists in British India and elsewhere. I wish to point out that the amendment that was made in the Select Committee was a very strange amendment and I also contend that the Select Committee had gone beyond its powers and against the principles enunciated in the Bill as shown in the statement of objects and reasons. Yesterday I was not able to lay my finger on the exact wording in the statement of objects and reasons, wherein it has been stated as a matter of principle that this Bill or this legislative measure is a purely permissive one. Against that principle of the Bill being purely permissive now what is sought to be enacted is to make it compulsory for the Unions to be registered and to put a penalty upon all organisations that do not get themselves registered. I wish to refer to the exact portion of the statement of objects and reasons, as it appears. It is stated :—

> "The legal position of Trade Unions which do not register, whatever it is, will be unaffected by this measure. In other words, the measure is purely permissive."

There is a clear assurance given by the Law Member. It is in the face of this assurance and in accordance with this Principle that this House accepted the general principle of the Bill and sent it on to the Select Committee. I contend that the Select Committee was not competent to go beyond this clear direction and make it compulsory for all Trade Unions to get themselves registered if they wanted to exist. I further contend that according to the Preamble of the Bill this is a Bill to provide for the registration of Trade Unions; "*to provide for*" and not to compel, "and in certain respects to define the law relating to registered Trade Unions in Travancore". Both these objects have been violated. It is not a provision for the registration of Trade Unions but it is a restriction on the existence of any organisation by workers without getting themselves registered that has been enacted. By an amendment to Clause 30 (1) it has been incorporated :—

> "Whoever in contravention of the provisions of Section 14, sub-section (2), forms any Trade Union or takes any part in the functions of any Trade Union shall fore every such act be punishable with fine which may extend to five hundred rupees."

[Mr. K. Kunjukrishna Pillai.]

That is a clear provision dealing not with registered Trade Unions but with those that have not been registered. This is a point that I raised at the time of the Select Committee sittings. But the point was overruled. I wish to submit to this House and to you, Sir, that this must be considered to be in excess of the powers conferred upon the Select Committee by this House. A similar question arose in the Legislative Assembly during the discussion of the Trade Uunions Bill and the question was decided as to whether the decision of the Chairman of the Select Committee was final. It has been ruled that the Chairman of the Select Committee is not the final authority and that it has to be decided by the President or whoever presides in the open session of the House. I am referring to page 380, Volume VII of the Legislative Assembly Proceedings.

PRESIDENT: In regard to what Union?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): In regard to Trade Unions. May I say one word, Sir. I hvae contended—I do not wish to contend anything else—that the question whether an amendment is outside the scope of the Bill or not is a matter for decision by anybody but you, Sir. That is my whole point. I say that is a decision for you entirely, but I do also urge this point for your consideration, namely, that it is not open to a Select Committee to enlarge the scope of a Bill without a direction from the House.

In the legislative Assembly Proceedings it is stated thus:—

> "Mr. R. K. Shanmukham Chetty: With reference to the point raised by the honourable the Home Member, I should like to know from you, Sir, whether it is within the scope of the Chair to say whether a Bill as it has emerged from the Select Committee has gone beyond the original scope of the Bill. My contention is that if an amendment is made by a Select Committee which goes beyond the principles of the Bill, it is for the Chairman of the Select Committee to rule that out of order and not for the Chair.
>
> Mr. President: The final decision in a case of that kind always rests with the Chair here in this House. The matter has been sufficiently discussed and I will put the question now".

It has been finally ruled that the ultimate decision regarding a question of this kind rests with the Chairman of the Assembly in the open session and not with the Chairman of the Select Committee. Sir, I contend that this alteration clearly goes beyond the principle enunciated in the Bill and the scope of the Bill as seen from the Preamble. First of all it not merely provides for the registration of Trade Unions but it restricts and compels that there should be no organisation of labourers if it could not get itself registered. Secondly, it is intended only to legislate for registered Trade Unions. This Bill goes beyond that and imposes penalties in regard to Trade Unions which have not been registered. Thus the scope is extended and provides penalty for Trade Unions that have not been registered. I will go to the merits of the Bill only if it is necessary. If you rule that the provision is in excess of the powers of the Select Committee I need not take the time of the House in discussing the merits of the amendments. Therefore I await your ruling.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I quite agree that the President is the final authority. But the question to be decided is whether the amended provision is within the scope of the Bill or not. That is a matter of opinion. The Chairman of the Select committee, Mr. T. K. Velu Pillai, apparently thought that it was within the scope of the Bill. He is an experienced Chairman and his opinion is worthy of consideration. If I may say so, I also am of the same opinion. If the provision is within the scope of the Bill, it is in order.

PRESIDENT: The point raised is an important one; but I had been warned of the possibility of the point being raised and I am armed with the necessary authority. It will be observed that the honourable member in raising the question before the House stated that the Law Member, in the course of his remarks on the Bill, referred to certain matters and stated in the course of those remarks that the Bill would be permissive. Now the speeches made by the spokesman of the Bill are important in the matter of the scope and character of the Bill. But that should not be treated as conclusive or decisive. The prime criterion in that decision is the object of the Bill as indicated in the terms of the Bill itself. Now turning to the Bill itself it will be seen from the Preamble which is as follows:— "Whereas it is expedient to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in Travancore". The object was to provide for registration. The question whether that provision for registration would be universally applicable or applicable only to certain categories of Trade Unions is therefore not foreign to the purpose of the Bill as adumberated by the Bill itself. It is true that great attention should be paid to the manner in which the Bill is presented to the House. I may add that turning to the analogies we find in May's Parliamentary Practice, page 404, the following:

> "Amendments may be made in every part of the bill, whether in the preamble, the clauses, or the schedules; clauses may be omitted, and new clauses and schedules added; though no amendments can be moved to the granting or enacting words of bills for granting aids or supplies to the Crown, or to the enacting words of other bills. Those words are part of the frame work of the bill and are never submitted to the committee.
>
> An amendment must be coherent, and consistent with the context of the bill; and when a proposed amendment had been so amended as to form an incoherent question, the chairman stated that if no further amendment were proposed, he should proceed with the question which next arose upon the clause".

Now the test therefore as laid down in Parliament is that the amendment should be coherent and consistent with the context of the Bill. Judged by that test, although it is perfectly true that it goes beyond the statement made by the Law Member in presenting the Bill to the House, I hold that this amendment is coherent and consistent with the context. Therefore I rule that the proceedings of the Select Committee have not been *ultra vires* of the Select Committee.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Then I proceed to the merits of my amendment which seeks to take away the provision incorporated at the Select Committee stage into this Bill. It need

[Mr. K. Kunjukrishna Pillai.]

only be pointed out that if my amendment for the deletion of this provision is not accepted, in Travancore no Trade Unions can exist unless they are registered. If somebody of workers is not competent enough or able to get themselves registered, then they will be denied the ordinary, that is, the elementary right of combining themselves to put forward their grievances. Sir, it is the infringement of a fundamental right enjoyed by every section of the people of the State. This amendment seeks to do away with that right in the case of labourers employed in factories or in any industrial concerns. I do not think much argument is necessary to point out the iniquitous nature of this restriction. Sir, one can understand if certain privileges were conferred by the Bill only on registered Trade Unions, which are willing to accept the responsibilities and restrictions imposed by it. But an association of people who are not willing to get themselves registered and who are not keen on getting the benefit conferred upon them by this Bill should not be compelled to get themselves registered, And if any body of people gather together to ventilate their grievances, that should not be visited with a penalty of Rs. 500. In British India the fight was the other way. The proceedings of the legislatures there, will make it clear. In British India what the non-officials wanted was that even to those Trade Unions which were not willing to get themselves registered the benefits of the Bill should be conferred. That was of course vetoed and the arguments advanced by the Government Members who were responsible for the Bill were that he who is not willing to take the responsibility of registration should not claim for the privileges conferred by the Bill. Well, Sir, that argument, one can understand. But it is very difficult to understand the position taken by the sponsors of this amendment in this Bill which says "Even though you are not keen on getting the benefits conferred by this Bill you shall not exist unless you are registered. You must register if you want to exist. You should get yourselves registered or else you should not combine yourselves. "That is a very serious restriction imposed on a poor ordinary citizen, imposed on industrial labourers and people who form Trade Unions.

Sir, by the proviso to this sub-clause a term of 3 months is given for an association to get itself registered after which it will have no legal existence. The serious nature of the effects of this amendment will have to be comprehended when it disposes of this amendment. I wish to point out that there are very many Trade Unions or Labour Associations functioning in the State. I do not say many of them will not be willing to register themselves. There are small associations of workmen who are employed in small industries and whose number will not be great and there may be difficulty to provide for the necessary audit and other obligations imposed upon by this Bill and who may have nothing by way of funds to insist on any such demands but may be allowed to combine together with a view to express their grievances.

Sir, every other association in the State is allowed to function without this penalty of punishment even if it isnot registered. There are communal organisations, religious organisations, and various other types of organisations that are allowed to function without any restriction; and I cannot see for a moment what is it that makes it obligatory on the part of labourers to register their associations and that unless they register their associations they should not be allowed to work and that if they work they will be visited with a punishment which may range up to Rs. 500 fine. This is a very important matter so far as the rights of labourers are concerned. I know Sir, that it may be said that it is in the interests of labour to make this compulsion and say that the labourers are ignorant people and if they combine and form associations they may easily fall a prey to exploitation and their funds may be swindled if sufficient safeguards are not provided; and so they must be compelled to get the benefit of registration. This argument is in favour of registering other associations as well. If there was such a law, then, I can understand. Labour in Travancore cannot be said to be less enlightened than labour in British India. As a matter of fact a labourer here knows his rights much better than his brother in British India with regard to money or any other privileges, In British India they did not think it necessary to put this provision in their legislation. We are trying to bring this legislation in conformity with the legislation in British India. Sir, I repeat with emphasis that this will be an unnecessary restriction on the rights of the people.

(At this stage the Deputy President took the Chair.)

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I know from the member how many Trade Associations are now functioning in Travancore?

MR. K KUNJUKRISHNA PILLAI (*Quion I*): I have not got the statistics.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Approximately?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I know of only 4 or 5 associations working in the State now. But my knowledge is limited. I know an association in Quilon and, a few working in Alleppey. But Sir, associations may crop up in the near future. Labour is advancing. The country will advance industrially. Labour associations will become necessary in the very near future. Sir, we must all bear in mind that this Bill is one to provide for the existing circumstances as well as for the immediate future which may bring in important alterations in the industrial condition of the State. It has been stated that in the Cashew Nut Industry alone about 40,000 labourers are employed. That is the figure given by the employers themselves. If you take other industries also into account you will see that there is a very large number of industrial labourers in Travancore and it is fast increasing.

Mr. K. Kunjukrishna Pillai.]

It is not merely on the basis of expediency that I put forward this amendment. Sir, I ask the question seriously. What is the justification in denying the right to combine for labour when every other section of the population is given that right? What is wrong with labour? Do you think that a labourer is one who does not know his interests or responsibilities? There are other organisations of people who are more liable to be deceived. But such organisations are allowed to combine themselves without going through the formality of getting themselves registered.

MR. K. C. KARUNAKARAN (*Nominated*): MayI know from the member whether the compulsion in the legislation would not apply to the employers as well?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): It is very clear from the terms of the Bill. Sir, the volume of opinion from labour organisations and those who are interested in labour show that this compulsion should be taken away. Because if the employers are willing to have a chain round their neck, it does not necessarly follow that labourers also should be willing to do that. Moreover, there will be no difficulty so far as employers are concerned, for registration. The only labour organ "Thozhilali" in a leading article has appealed that this provision should be deleted. The labour association met at Quilon and passed resolutions that this restriction should be taken away.

MR. P. S. MAHOMED (*Co-opted*): ആ മീററിംഗിൽ അദ്ധ്യക്ഷസ്ഥാനം വഹിച്ചതു് മെമ്പർ തന്നെയാണോ ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Yes, I presided over that conference I directed them in their deliberations, to get this restriction taken away from the provisions of the Bill as it affects the elementary right of labourers.

DEPUTY PRESIDENT: Whether Mr. Kuniukrishna Pillai was the person who presided over that meeting is not very necessary for the progress of the debate.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, so far as the employers are concerned, they have got sufficient funds and they have got the ability to get themselves registered. Some small labour organisations may have to combine themselves occasionally only. For that they should not go through all the formalities of registration incurring heavy expenditure and troubles. They may combine to ventilate a particular grievance only. This right is denied to them by this clause in the Bill.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether a Trade Union has to pay fees for getting itself registered?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): That is determined later on when the Bill becomes law. But under any circumstances, they will have to incur expenditure. I am speaking of an association which is not in a position to go through the formalites on account of sheer inability. Such an association, in my humble opinion, should not

be denied the ordinary privileges enjoyed by every other section of the society.

MR. K. C. KARUNAKARAN (*Nominated*): May I know whether compulsory registration would not safeguard the funds of such Unions?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, the benefits conferred by the legislation on Trade Unions are very clearly seen from the provisions. It does not require an answer from me that the Trade Unions if they get themselves registered would get various benefits. What I submit is that a body of people who are not capable of discharging their obligations and to take up the responsibility are proposed under the Bill to get themselves registered. Why should they be compelled by enacting that "you must get yourselves registered?" How can that be justified? Why should an association be denied the right to function occasionally? I again ask what is wrong with labour peculiarly in Travancore? Why should this spoon-feeding be considered necessary so far as labour in Travancore is concerned? Sir, it is not by suppressing the organisation of labour specially organised among labourers to focus their opinions and ventilate their grievences that the interests of labour are to be safeguarded. So much for the contention that this provision is for the benefit of labour. Registration can, no doubt, benefit well-organised Trade Unions. But they may be very few in number and the majority of the Trade Unions that may come into existence will be handicapped by the provision in the Bill. Moreover, Sir, this provision will make this legislation unnecessarily restrictive and make us the laughing stock of the world.

Sir, there is no parallel to this anywhere. I hope the House will have no hesitation in throwing out this Clause and make it as it was when it was sent to the Select Committee. Whatever be the technical point of view Sir, I submit that the House will take notice of the fact that the Select Committee should have given greater consideration to the clear direction from this House. The House was assured not by speech but by a printed statement in very clear terms that the Bill is going to be only permissive. With these few words I move my amendment and request that this sub-clause may be deleted.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I second the motion. In seconding it, Sir, I may be permitted to speak a few words now, as otherwise I may not get an opportunity afterwards. Sir, when this Bill was introduced it was not introduced with the object of hampering the progress and development of labour in this country. It was not introduced as a single Bill but along with a group of other Bills relating to the preservation and growth of liberty of labour, Labour we thought was sought to be protected by the enactment of this legislation as a preliminary to the proposals made by Government for the purpose of protecting labour organisations in the country, thereby giving an impetus to the industry in the State. Therefore, this Bill was brought along with the Workmen's Compensation Act, Trade Disputes Act and Trade Unions Act. The Select Committee passed this Bill with the object of affording protection to labour. It would appear later on

[Mr. Puthupalli S. Krishna Pillai,]

that some provisions underwent certain changes. In the Preamble al that is stated is as follows :—

> "Whereas it is expedient to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in Travancore ;"

It is clearly stated that the object of the Bill is to provide for registration and not to compel registration. Let us see whether there is any similar provisions in any of the analogous enactments elsewhere. The Trade Unions Bill was enacted in England in the year 1871 when Parliament thought it fit to protect labour. But they did not bring the Bill with a similar provision saying that no Trade Unions can be formed without getting themselves registered. But there it was stated clearly that if a Trade Union comes within the scope of the Bill it would be protected from prosecution from civil and criminal courts. That was the inducement offered to the labourers in order that they might seek the protection of the law. The enactment then did not think of prosecuting any person who might discharge or might be deemed discharging the functions of Trade Unions. The British Indian Trade Unions Act of 1926, the progenitor of the present Bill, does not contain any provision similar to clause 14(*b*) or the penal provision which follows in its wake. Let us look into the penal Clauses in the Bill. Clause 30 sub-clause (1) reads thus :—

> "Whoever in contravention of the provisions of Section 14, sub-section (2) forms any Trade Union or takes any part in the functions of any Trade Union shall for every such act be punishable with fine which may extend to five hundred rupees."

Now, what are the functions of the Trade Unions ? They are contained in Clauses 6 and 15. It is very clear that some of the functions of Trade Unions are very innocent and most of them are also absolutely necessary. It is said "the compensation of members for loss arising from trade disputes." Now we need not take into account big Trade Unions. Let us take the case of 5 or 10 labourers employed in a factory joining together for the purpose of mutual help and claiming recognition of the rights to make contributions to disabled workmen or to unemployed workmen and such other remunerative help of a domestic nature. To say that this association should also be registered on pain of payment of a fine up to Rs. 500 by each member is beyond the comprehension of any sensible labour legislation. Sir, I pointed out a specific case of 10 persons joining together legitimately in a scheme which is consistent with the elementary objects and functions of Trade Unions. Sir, are we not preventing the growth of labour institutions in the country rather than helping it if such associations are brought under the restriction contemplated in the Clause ? Would any person employed in a small factory hereafter ask his master "I want more wages" or any other concessions ? Would any man come forward to support him ? This Clause will be an effective check on the natural claims and demands of labour. Why these quarantine rules and sick-bed regulations for Trade Unions ? What is the function of the Trade Unions but to keep up the scale of wages and to arbitrate so that capital and labour may go hand in hand for the good of the State.

Now, Sir, let us take the case of the labourers employed in a factory. Suppose, under really hard conditions, they claim enhanced wages, or that the number of hours of work shall be reduced. Let us take it that they meet together for the purpose. All that their employer, the factory owner, the capitalist, has to do to prevent them is to phone up the Police Inspector and tell him 'Here are a dozen fellows doing the functions of a Trade Union under the Trade Unions Regulation; they have not registered themselves into a Trade Union; they must be hauled up.' Sir, a more deadly provision cannot be thought of. I can understand such a provision in a country where the labour organisations have become Terrorist Unions and the public interest demands that they shall be annihilated or kept under control. If we had such a situation here, certainly we should have a punitive provision, a restrictive enactment, to enable the Government to keep the labourers under control. But, we do not have any such problem now in Travancore. This provision is therefore unnecessary and out of place.

I challenge the Law Member, Sir, to point out any enactment in British India, in any Indian State or in England, where there is such a compulsory provision. Why should such wisdom dawn upon us alone in Travancore? Sir, there must be some reason why such a provision has not been enacted anywhere else. Is there any special reason why we should have it here? The Select Committee report does not throw any light on the matter. One is at a loss to find out why this curious provision was inserted by the Select Committee.

I would also submit, Sir, that we would be going a bit out of the way in retaining this provision in the Bill. The presence of it in this Bill and the absence of it in every other Trade Union enactment, makes it very conspicuous. It will lead the people outside to think why we in Travancore have chosen to enact such a provision. If a few people want to meet together for their common ends, let them do it. Why stand in their way? If they do not get their associations registered, they would not be entitled to any of the benefits of this measure. They would not get any protection. Anybody could prosecute them, could sue them. No one would render them any assistance. No one would co-operate with them. Why should we say that no Trade Union shall exist in this country unless it is registered? Let us not say so.

With these words, I support the amendment.

(At this stage the President took the Chair.)

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, when I introduced this Bill, it was my idea to make the registration purely permissive; and left to myself, I would have let it stand like that. However the matter was very carefully considered by the Select Committee. I am not privileged or entitled to refer to what actually took place there. But I may say that this provision has been incorporated in view of the opinion of the majority in the Select Committee.

Sir, on the merits perhaps, there are two sides to the question. Let me make it clear that when I advert to both the sides of the question, I am not either supporting the amendment or opposing it.

[Mr. Kayalam Paramesvaran Pillai,]

I am quite content to leave the matter entirely in the hands of the House. In Travancore, Sir, there are not many trade combinations yet. We are not trying to take hold of the situation at a very early stage. If we had a number of trade unions actually working in the country, and if we now provide that if they want to function they must all get themselves registered, that would be a substantially restrictive provision. Mr. Kunjukrishna Pillai the mover of the amendment himself admitted that there are only 4 or 5 associations now in the country.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : What I said was that there were only 4 or 5 associations *so far as I knew*; and I supplemented that statement by saying that I knew of labour conditions only in Quilon and in Alleppey.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, Sir; but I would attach some value to his knowledge of these matters. Even when I introduced the Bill I quoted in support a resolution passed at a meeting presided over by the honourable member. The assertion has been made to-day also that he was presiding over an important labour meeting. I do not for a moment doubt his knowledge in these matters.

Anyhow, Sir, it is a fact that we have not got many associations yet. That is one factor. Again, those who represent labour in this House seem to be in favour of a provision for compulsory registration of these associations. It must also be remembered that in the future these Trade Unions will have to play a very important part in settling differences between labour and employer, so that it is only desirable that all such associations are brought under control as early as possible even in their infancy, if I may so put it, and for that reason are compelled to get themselves registered and are thereby given a recognised status, and attendant privileges It is only then that they will turn to right lines and achieve their ends. That is one side of the question.

I can very well understand, Sir, the argument put forward by Mr. Kunjukrishna Pillai and Mr. Puthupalli Krishna Pillai that people must not be deprived of their elementary right of meeting together for common purposes. Mr. Puthupalli Krishna Pillai went to the extent of suggesting that even if the labourers asked for more wages, they would be liable to punishment under this Bill, unless they had previously registered themselves into a Trade Union as provided by in the Bill. I do not agree that that follows at all. If that was his only fear he could have proposed a suitable amendment to the provision which he now seeks to delete. There is no doubt however, Sir, that theoretically, the provision is objectionable; and such objection did weigh with me when I introduced the Bill. This is the other side of the question.

Now, Sir, the point therefore, for the consideration of the House, is whether this provision for compulsory registration will really hamper the growth of trade associations in the country or the growth of healthy labour organisations in the country. If the House thinks

that it will, then they must accept the amendment. If on the other hand they consider that this provision will only tend to give a recognised status and all the attendant benefits the House must throw out the amendment.

So far as the Government are concerned, they propose to remain neutral on the question.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is the Law Member in a position to point out a similar provision in any other similar enactment ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, Sir. I may however add that the Royal Commission on labour seems to suggest that it would be far better to have some such provision. They suggest that an association which objects to get itself registered cannot be a *bona fide* association. We are not of course bound by their opinion. As I said, I am merely putting both the sides of the question.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): Apart from the theoritical considerations, does the Law Member think that this provision is likely to lead to any practical disadvantage to the labouring classes.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): So far as I can see, there is none. I am waiting for enlightenment from the House.

MR. K. C. KARUNAKARAN (*Nominated*): I rise to offer a few remarks on this important question. When the honourable the Law Member asked the leave of the House to introduce this labour legislation, I fought very vehemently on this point, namely, that this measure should be a compulsory one and should not be merely permissive. In the statement of objects and reasons, although the Law Member said that this was a purely permissive measure, he has also said—

> "But in view of the important privileges.................... conferred upon the registered Trade Unions by this measure, and in view of the disabilities of unregistered Trade Unions.............. ..labour and trade in Travancore will find it to their advantage to register themselves under this measure in spite of certain obligations imposed upon them by reason of such registration."

That shows, Sir, that the Law Member recognises the fact that these Unions stand to benefit greatly by getting themselves registered, by subjecting themselves to some kind of control. My friends, especially Mr. Kunjukrishna Pillai, said—he even challenged the Law Member—that no other similar enactment contained a provision like this. Mr. Puthupalli Krishna Pillai also challenged the Law Member and asked him to point out a similar provision in any other legislation relating to Trade Unions. Even on the last occasion when the Bill was before the House, I pointed out that, although the British Indian enactment was purely permissive, the British and the Dominion legislations were compulsory. It is on that basis that I said, when the Law Member introduced this Bill, that this important change should be made in the Select Committee, and the Select Committee should have

[Mr. K. C. Karunakaran,]

powers wide enough to do that. That was the idea with which the Select Committee approached this problem and, by a vast majority, introduced this provision.

This House will admit, Sir, that Alleppey is the most important industrial and commercial centre in Travancore. We, in Alleppey, have some experience, during the last 12 or 16 years, of unregistered Trade Unions. It was as a result of such experience that even on the last occasion I pleaded on the floor of this House for the compulsory registration of these associations. Sir, the very fact that the Travancore Labour Association which came into existence about 15 years ago still remains unregistered even though there are facilities for registration under the Joint Stock Companies Regulation, will go to show that these labour associations will always like to work without any control from Government or any other recognised bodies.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I ask whether the member is aware that the labour association applied for registration and the Government refused it?

MR. K. C. KARUNAKARAN (*Nominated*): I know that they applied for registration about 18 months ago and the Government refused it on the ground that the Trade Unions Regulation will be coming into force very soon.

Even a superficial study of the history of the Travancore Labour Association will show that the elements at the bottom of these associations will always fight against any control by anybody. Sir, as long as outside elements are not wiped out there will be no safety and peace in the industrial areas. I am prepared to accept this permissive principle with regard to the formation and organisation of Trade Unions provided the Law Member can guarantee that the outside element will be completely cut down. As long as we allow at least five or ten per cent. of outside element to go and guide the work of these associations, it will be a very dangerous thing for the industrial areas particularly and for the whole of Travancore generally. My experience during the last ten years with the "*Thozhilali*" and other publications carried on by the Travancore Labour Association is that they are very dangerous elements. There must be a statute for the compulsory registration of these Trade Unions. My friend Mr. Janardhanan Pillai has given notice of an amendment to Section 21 in which he says that the outside element should not be more than 25 per cent. If this House can accept that amendment then I do not want to stand in the way of the amendment of Mr. Kunjukrishna Pillai. He expects that great good will come to the Trade Unions if outside elements are admitted. The present unregistered labour associations are really platforms to the socalled leaders. Sir, I am not opposing or supporting the amendment of Mr. Kunjukrishna Pillai. I only wanted to say these few words in the belief that if this amendment is passed, the House will carefully tackle the amendment of my friend Mr. Janardhanan Pillai.

MR. J. W. TOLSON (*Travancore Planters*): Sir, I have very great sympathy with the amendment moved by the honourable member Mr. K. Kunjukrishna Pillai and I would not like to see the Trade Union movement in Travancore delayed or prevented through this Clause being passed by the House.

This House must judge and if it considers that this Clause is one which may injure Trade Unions then I hope that they will pass the amendment.

Travancore wishes to attract industry and for the benefit of trade, healthy Trade Unions are necessary. Trade Unions will survive in Travancore inspite of any control exercised by Government; they are necessary and of vital importance.

There is one thing I will ask the Trade Union leaders to remember and that is that differences can be very easily got over if they discuss the question with the employers instead of causing unnecessary strikes of benefit to no one.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Is it the member's view that for the purpose of a bargain a registered Union is in a better position than an unregistered Union?

MR. J. W. TOLSON (*Travancore Planters*): A registered Union is an incorporate body whereas an unregistered Union has no recognition.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I ask the honourable member whether he thinks it necessary to penalise an unregistered Union?

MR. J. W. TOLSON (*Travancore Planters*): In my opinion a Trade Union must be formed according to the Rules and Regulation. The Trade Unions are there not only for their own interest but also for the benefit of members.

MR. M. L. JANARDHANAN PILLAI (*Co-opted*): Sir, I rise to oppose the motion. In doing so, I wish to tell the House that at a joint sitting of the Travancore Chamber of Commerce and the Alleppey Chamber of Commerce at which representatives of European interests were also present, a resolution was passed to the effect that I should represent to this House that the registration of Trade Unions must be made compulsory or else the Regulation will have but little value and the work-people will be victimised and exploited by non-registered unions. I think I am right in voicing the opinion of these two chambers of commerce which certainly represent the bulk of the trades and industries in this State. Travancore is not in an advanced industrial condition. It is therfore my view that all industrial legislations should be carried on with considerable care. After all what does this Bill aim at? The Bill is telling the workers in so many words 'Look here, you can organise on certain lines, we will tell you how to do that, and we will also give you certain privileges, provided you come within the provisions of certain Rules and Regulations'. Nobody can be against that. By all means we the employers are prepared to do our best for the workmen; only, we want them to be responsible bodies.

[Mr. M. L. Janardhanan Pillai.]

The question I ask is where is the objection against registration when the employers are themselves earnest in ameliorating the condition of the workers. I have heard it said in this House that this Bill will make it impossible for half a dozen people to join together for their legitimate pursuits and for ventilating their grievances and so on. I would ask the indulgence of this House to read the definition of the term "Trade Union".

> "Trade Union" means any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers or between workmen and workmen or between employers and employers, or for imposing restrictive conditions on the conduct of any trade or business.

I ask, Sir, whether it is possible for *any* organisation in this country to impose *such restrictive* conditions on the conduct of *any trade or business*.

That is the main function of the Trade Unions and that is why the employers say that we should not leave these Trade Unions into the hands of people who have their own axes to grind, and who do not want to take up responsibilities. It is quite easy for any man who has no stake in the country, who has no stake in commerce and industries, to get together a number of men, organise them into an unregistered Union and create any amount of trouble and dissolve it the next day and yet be outside the ambit of the Regulation. Considerable stress was often made on Clause 17 *viz.*, that if any unregistered Trade Unions do any acts which would cause damages it is open to employers to claim damages from them through the civil courts. What I ask the House is, is that possible? Suppose one man takes it into his head purely for his own personal and selfish reasons to organise a Trade Union, only in name and comes to factories and incites a number of workmen to strike without sufficient reason, and creates any amount of trouble and loss to the owner of a business, and if it happens to be a unregistered Union, I ask, should the owner of the factory go to a law court to get his damages? Is it conducive to trade? Is it conducive to the commercial and industrial prosperity of this country? It has often been said that both here and elsewhere and in the various speeches made by the Dewan that discipline is the essential requisite for the successful carrying on of industrialisation of a country. What does this registration mean? It means merely this *viz.*, the employer is quite willing to accept an institution which is registered, which is disciplined, which is subject to control and supervision by Government. What is important is that the employers do not want to give importance to an unregistered Union and allow it to do all havoc to trade and industry. It is quite possible for a Trade Union to appear to-day and disappear the next day. It is for that reason I oppose this amendment. All the European firms represented in the Travancore Chamber of Commerce, all the Indians represented in the Alleppey Chamber of Commerce and all sensible and responsible commercial opinion is unanimous in thinking that unless the Unions are registered, they will do harm to the prosperity and progress of the country.

Therefore I would appeal to this House in the interests of the country, in the interests of the industrialisation of this country, to see that the amendment is thrown out, especially when 16 members of the Select Committee had agreed to registration.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): Sir, I should like to say a few words in this connection in defence of the position taken by the Select Committee and also to impress upon the House the importance of accepting the existing provision in this Bill. In other words I oppose the amendment. Sir, so far as I have been able to hear I learn that the chief objection to this Clause in the Bill is rested upon the ground that by passing this law in the present form we are making inroads on the sacred rights of individuals. I put a question to the Law Member whether apart from those theoretical considerations there is any disadvantage to labourers because of the provision that Trade Unions should be registered. The Law Member's answer to the point did not enlighten me. Sir, I certainly respect the rights of individuals in civilised countries. Perhaps in no other State in India is the right of the individual more protected than in Travancore. But the trend of modern legislation in all countries appears to be to enable society to regulate its own affairs. Even in America where the people have the greatest freedom in political and social matters, every day the laws passed by the Congress makes inroads upon the rights of individuals. They are subjected to two systems of laws, the State law and the Federal law. The State legislature and the Federal legislature vie with one another in imposing conditions on the action of individuals, in order to advance the interests of society. If any of the speeches made in the House to-day had pointed out that this Regulation for rade Unions will prejudice the labourers I certainly would not have taken the stand that I now am doing. But not a whisper was heard (Mr. K. Kunjukrishna Pillai: I question that.)

PRESIDENT: Order, order.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): Apart from statements of principles of individual rights I did not hear any speech which explained, in which manner and, to what extent, the labourers would suffer. I affirm that once more. Sir, I do not want to take the House through the chapters of world history but I think it necessary to say this. In the time of the revolution in France when everybody wanted to get his own rights they brought about a new constitution. You find that every revolution brought a new change of laws. The laws changed from day to day and the socalled liberty of the subject suffered more under that regime than under that of despotic monarchies which ruled in France. I am not going to proceed in this strain. But let me make a reference to the Law Member's speech at the time when the Trade Unions Bill was introduced. This is what he says:—

> "In fact, the provision for these immunities is an important provision in this Bill to which I would draw the attention of the honourable members. That is contained in Clauses 17 and 18. Clause 17 deals with one of the immunities that a Trade Union will secure if it gets itself registered".

[Sadasya Tilaka T. K. Velu Pillai.]

Then the details are set forth:—

"In other words it is laid down that any agreement in restraint of trade or any incitement to break contracts may be resorted to by a Trade Union, provided it is registered. Otherwise it will be liable to penalties under the law".

The Trade Unions will have to so shape their conduct occasionally in a manner which would be in restraint of trade. The object of the Law Member seems to have been at any rate to make it possible for them to get the advantage. Therefore, the Regulation of Trade Unions, to my mind, conveys the idea that the Government, in order to help the labourers, have placed this Bill before the House. Without regulation the object of the Government will be frustrated. Mr. Tolson made a speech to which I listened with very great attention He did not commit himself one way or the other. As I understood his speech,— Mr. Tolson who possesses very great experience in the organisation of business, who knows the condition of labour,—Mr. Tolson was not against regulation. Now the State must be benefited by an organised and enlightened opinion of these Trade Unions. If a Trade Union, has no local habitation and a name, if a Trade Union is of an ephemeral character, if it is brought into existence to day and dissolved to-morrow, if the members of that society merely collect some money and spend it among themselves as they please, the poor labourers who are suffering from a combination of adverse circumstances will be greatly prejudiced. In this House, Sir, very often various Bills have been passed with a restriction on socalled individual rights. The case of socalled individual rights in its absolute sense has gone for ever. Take for instance the Chitty Regulation. The foreman of a chitty is not entitled to conduct business eventhough he has got enough subscribers at his disposal. Take again the Life Insurance Regulation. There was a time when in this country insurance societies grew like mushrooms. They produced a spectacular effect. If a man got any price the company used to collect a large concourse of people, get an important man to preside over the function and give away the prices so that it may produce a spectacular effect. I am sure no member of this House will take exception to what I say namely, that, in respect of all insurance societies, the legislature had to effectively intervene. Take again the Co-operative Societies Bill. It is very fresh in our memory. My friends in this House, many of them, advanced the argument that in order to prevent the exploitation of individuals by wicked persons in the managing committee interference of a drastic character was necessary. The principle of that Section 47 prevailed, *viz.*, that the Registrar must be given power to regulate the conduct of affairs. If that is so, so long as the other side has not been able to say that these labourers will be prejudiced I do not see any reason why I should take a different view of the question from what I did take in the Select Committee along with others. If Government think that labourers should be helped, the best thing will be to help them in the proper way, and to tell them what

their interests are. Let us see what are the facts. The facts have been mentioned on both sides. I am not contesting those facts The ordinary labourer is not able to help himself without an association. That association must be made strong enough and good enough to function for all practical purposes. The Regulation does not mean prohibition. My friend who took the opposite view at the commencement of his speech referred to the penal provision in this Regulation. If there is a law passed, there should be a sanction behind it. Who is the man that is going to be punished? Only he who does anything in furtherance of things against an association which is not registered. Is registration a costly business? Then I can understand the opposite view. But it has not been proved to be so. Registration is a provision of law according to which a society should function. Considering this question in this light, believing that in the best interests of the labourer a Regulation of this character is very necessary, I oppose the amendment.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : May I know what in the opinion of the member is the reason why a similar penalty is not imposed in other legislatures?

SADASYA TILAKA T. K. VELU PILLAI (*Trivandram-Urban*) : My answer is plain. I may also say that it is patriotic. It is this. Various things are done in Travancore before other States do them. We have a continuity of enlightenment. Take the temple entry question.

The House rose for lunch at 1—1 P. M. and met again at 2 P. M. with the Deputy President in the Chair.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : Sir, I rise to oppose the amendment moved by the honourable member Mr. Kunjukrishna Pillai. This aspect of the question was very anxiously considered by the Select Committee, and the existing provision was accepted by an overwhelming majority. I find no reason to change my view. It will be seen from Clauses 15 and 16 of the Bill for what purposes the funds can be collected and spent by the Trade Unions. There are two kinds of funds, namely general funds and separate funds for political purposes. Clause 15 defines the objects for which the general funds may be used and Clause 16 defines the constitution of separate funds by registered Trade Unions for political purposes The expenditure of the two kinds of funds is also controlled by express provisions in the Bill. Therefore we can hope that such funds of the Trade Unions will be safe and spent only for legitimate purposes. But this control and supervision can be exercised only if the Trade Unions are registered under the Regulation. I would ask the mover of the amendment if some Trade Unions are allowed to exist without getting themselves registered, who will exercise the control and the supervision of the funds collected by those Trade Unions? There will be constant misappropriation, mismanagement and misuse of the funds. It is of course detrimental to the interest of the State and to the interest of such Trade

[Mr. T. P. Velayudhan Pillai.]

Unions and at times it will be difficult even for the Government to maintain law and order in the country. If any Trade Union is allowed to exist unregistered it can collect funds in the name of the Union for defeating the object of the Government to maintain law and order in the country. I am aware of such instances. And are we to allow such Trade Unions to go on in that manner any further Then there is another aspect to be considered. The State owes a duty to the public generally and a section of the public particularly, to safeguard their interest in every way and manner possible. When any unregistered Trade Union collects funds, is it not the duty of the Government to see that it is properly spent and only for legitimate purposes?

DEPUTY PRESIDENT: I cannot hear you.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): If the Trade Unions collect funds is it not the duty of the Government to see that it is properly spent and for lawful purposes?

DEPUTY PRESIDENT: Allow me to say this. I am not looking at any member. I am looking to the skyies and making this observation. The member is making his speech at the top of his voice. Yet I am unable to hear him because of distraction caused to the progress of his voice throuh other voices.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): How can that be done without bringing all the Trade Unions under the provisions of the Regulation? The amendment, if carried, will certainly frustrate all these legitimate objects. If this House is going to give concession to certain Trade Unions that exist without being registered, I am sure that it will give room for unhealthy competition between registered and unregistered Trade Unions. This kind of unhealthy competition, I am sure, will lead to complete ruin and dissolution of the registered Trade Unions. Hence I maintain that all Trade Unions must be compelled to take out registration and no Trade Union should be allowed to function unless it is registered. So, I oppose the amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know from the member whether as a result of the existence of the law without compulsion of registration from 1926 in British India the Trade Union movement in British India has been dissolved or distracted?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I am not just now concerned with what happens in British India.

DEPUTY PRESIDENT: He is only asking for information. If you know it you may say.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I am not aware.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Sir, I oppose the amendment moved by my friend Mr. Kunjukrishna Pillai. In opposing this amendment I am not prompted by any desire to hamper the formation or growth of Trade Unions. I only desire that healthy and

well conducted Trade Unions must grow and there should be no room for any haphazard growth of Trade Unions.

Having made this assurance, I shall touch only upon certain aspects that have not been touched upon by other members.

First of all, it was taken for granted by the honourable mover of the amendment that it is the essential right of all persons to combine for common purposes and that it is inequitable to place any restrictions upon such right of combination. But the right of combination involved in Trade Unionism stands on a different footing from the right of combination for other purposes. The legal position of Trade Unions has not been accepted as unassailable or unquestionable. This is referred to in the report of the Royal Commission on Labour in India. I shall just refer to the relevant passage in that report. On page 318 of the report they say:

"At an early stage, the movement was threatened with the penalties to which, in the absence of a protecting statute, certain Trade Union activities are exposed under English common law. Following a suit against the leaders of the Madras Labour Union in 1920, the Legislative Assembly in 1921 adopted a resolution in favour of legislation for the registration and protection of Trade Unions. Five years were to elapse before a law was passed......"

It follows from this that the legal position of Trade Unions was not unquestionable until it was made clear by the Act of the Government of India of 1926. Likewise, the legal position of Trade Unions has to be settled here by special enactment. So the argument of the honourable member that it is inequitable to impose restrictions on the right to form Trade Unions falls to the ground. The right has to be granted by statute.

Coming to the merits of the matter, the provision for compulsory registration was objected to on the ground that it involves obligations which legitimate organisations may not be able to comply with. I am of opinion that registration does not involve any obligations which cannot be easily complied with. On this point also, the Royal Commission on Labour has expressed itself in clear terms. At page 325 of the Report, they say:

"As the law stands at present, registration generally involves no obligations that a *bona fide* Union should not be willing to undertake. It necessitates a regular constitution. a periodical audit, the composition of the executive so that a majority may be workers, and the separation of political funds, which can be collected only from those members who are willing to contribute. In return for compliance with these provisions, the Union receives definite advantages. There is, therefore, a presumption that a Union which declines to register is not a *bona fide* organisation. Similarly the fact of registration creates a presumption in favour of the genuiness of the Union."

It follows from this observation that registration involves no obligations which a *bona fide* Union should not willingly undertake.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the Royal Commission on labour in their recommendation regarding the management of the companies has proposed the provision of such a compulsory legislation?

MR. S. CHATTANATHA KARAYALAR (*Shencotta*) : I am not concerned with that. The passage that I have read out indicates clearly the lines on which they would recommend a revision of the existing Act in British India.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : May I know whether they have made any specific recommendations with regard to the way in which the Trade Union legislation has to be made so far as British India is concerned ?

MR. S. CHATTNATHA KARAYALAR (*Shencotta*) : If the member reads the report carefully, he will find that the recommendations are scattered throughout the report and not summed up anywhere. All the same, they have used language which makes their position very clear on this point. My point is that we should legislate for the development and growth of only healthy Trade Unions and should not in any way stimulate the growth of mushroom Unions. That is the point that I want to emphasise. It was argued here by certain members that these restrictions would hamper the growth of Trade Unions. On the other hand, I am of opinion that if we stimulate the growth of Trade Unions without any restrictions whatever, that would develop ever so many irresponsible organisations without any control whatsoover and such haphazard growth would tend to hamper the growth of healthy Unions. This point has been lost sight of by Mr. Kunjukrishna Pillai. It will be seen from the recommendations of the Royal Commission on Labour that the legal position of unregistered Unions is not unquestionable and in order to give a legal status to the Unions and to encourage the growth of healthy Trade Unions, it is necessary to place some restrictions upon the formation of such Unions. Registration of Trade Unions seems therefore to me to be absolutely essential and must be compelled by law.

MR. K. R. ELENKATH (*Kalkulam I*) : I rise to oppose the amendment. It would be plainly seen on a careful study of the Bill that any legislator who is interested in any trade or in any employer, or labourer, would be gratified to see that this Bill embodies all the provisions that are necessary for the healthy progress and development of trade and industry through well constituted organisations. The interest of thousands of labourers ought to be the main perspective through which disinterested legislators ought to view the question, when he discusses the provisions contained in the Bill. I ask the mover of the amendment whether he could find in the whole Bill a single Clause, which is not conducive to the best interest of the poor labourer. The very Preamble has been provided giving as wide a scope as possible by which the employer and the employee are allowed to enter themselves into a single corporation if they so desire for their mutual advantage.

The amendment proposed is not in any way conducive to the healthy growth and development of the corporation, either of the employees themselves or of the employer and the employee or of the employers themselves.

Sir, the main controlling Clause in the Bill I should think relates to the control of funds. This is a very important provision for the safety of a society, because the funds which the Trade Unions collect ought to be saved for the purpose of the common good of that corporation and nothing else. This is all the more important with regard to the funds of Trade Unions because they are collected from the people who with very great difficulty subscribe their share at the sacrifice sometimes of a meal and who suffer much for getting even one meal a day. It is from what they earn after hard work and labour that they contribute, and if that amount is not properly controlled by authorities, by people to whom the laboures look forward for their salvation, I ask wherein lies the guarantee for their advancement ?. There is no restriction even in regard to collection of funds for political purposes, for all lawfull and constitutional agitations. The provision for separate funds for their political purposes can be utilised by them for the purpose of elections, for sending their candidates to legislatures. For advancement of their interest through means of constitutional agitation, provision is made which can be used to the best and real advantage of the workmen. Then, I ask wherein lies the necessity for giving a free hand to anyone under whatever conditions and terms for the formation of these Unions Thus if a Trade Union is not registered what will happen is this. A Trade Uunion may be formed mostly comprising of poor illiterate labourers but led and controlled by a few persons who may not be connected with any trade at all. They may frame their own bye-laws and do with the funds according to what they deem proper and sometimes for purposes quite alien to the purpose and object of the Unions but to the selfish interest of the promoters of the Unions. We heard here highsounding words and advocacy for principles such as penalisation of civic rights and penalisation of right of corporate working and all the rest of it. Is it not and should it not be made liable for penalisation if the misappropriation of the funds of such Trade Unions takes place directly or indirectly ? What is it that is provided here when a registry is made compulsory or demanded as a compulsory factor for the working of the Trade Union as an organisation? Compulsory registration demands that there shall be no misappropriation of funds. If the funds are properly controlled it will be conducive to the well-being of the members for whose advancement such corporate bodies have been found. If there is any penalisation involved in compulsory registration I would say that we provide that to penalise misappropriation, and to penalise the working of corporations for purposes other than for what they are intended. People who are not in any way interested in trade and industry and in whom there may be only a very distant interest as regards trade or industry but may have predominent interest in other directions for the achievement of which they may conveniently exploit Trade Unions, may really find a handicap in this provision for compulsory registration. Sir, Clause 21 refers to the proportion which the non-traders or non-industrialists

[Mr. K. R. Elenkath.]

may occupy among the office-bearers of the Trade Unions. It is a very important Clause.

MR. P. C. KURIYAN (*Kottayam I*): May I know whether if a Union functions without registry it would affect the possibility of agitations?

DEPUTY PRESIDENT: I am not able to find any specific meaning in the word "agitation".

MR. P. C. KURIYAN (*Kottayam I*): The honourable member says he is able to answer.

DEPUTY PRESIDENT: I am not prepared to allow it, because the word "agitation" is not capable of any specific meaning in this connection. If you modify your question, I shall.

MR. K. R. ELENKATH (*Kalkulam I*); Let me pass on. Sir, if the Trade Unions want to get their grievances redressed by means of agitation.........

DEPUTY PRESIDENT: So, the agitation is for redressing grievances?

MR. P. C. KURIYAN (*Kottayam I*): Yes.

MR. K. R. ELENKATH (*Kalkulam I*): They can do so as members of the Union for attaining their lawful objects. Agitators who are not directly concerned with trade and industry should not take this law as a cloak and adopt it for the purposes which are alien to the interest of labourers and to the immediate objects of the Unions. Even looking from that stand-point I think it is not fair to give free scope for non-traders and non-labourers, who call themselves as leading Trade Unionists and friends of labour and pose themselves as *pseudo* industrialists and *pseudo thozhilalis* to enter in those fields where their interests are but little and where their superficial knowledge of business and of the relationship between the employers and employees may work to the disadvantage of the industry. Sir, I think that Clause 21 is the most important Section inasmuch as it serves to minimise or restrict such unwholesome elements from getting into the industrial or Trade Unions out of all proportion. For business men and real industrialists it is entirely necessary that they should be given all facilities to work for the welfare of labourers under their charge. Safeguards should be provided for keeping away persons with haphazard and superficial information as regard industry and trade from Trade Unions. If they come in large numbers they will create mischief which may very often go to spoil the cause of well meaning Trade Unions. I was wondering to-day when my friend Mr. Kottoor Kunjukrishna Pillai told us that it was hard to realise fee for registration of Trade Unions, for registration necessarily involved a levy of fee also. Yesterday when some of us advocated on behalf of co-operative societies, for free auditing to be conducted by the department, he was telling us that it was disgraceful on the part of the society and derogatory to the self-respect of its members to ask for it. I am much surprised to find that such a change of vision has been made possible with my friend within the short span of twenty-four hours.

DEPUTY PRESIDENT: The honourable member is not concerned with the reason why Mr. Kottoor Kunjukrishna Pillai took such a view with regard to the Co-operative Societies Bill. Now you say that he has changed his view. These reasons are not relevant. A man is quite entitled to give his reasoning (*Laughter*).

MR. K. R. ELENKATH (*Kalkulam I*): One other matter needs pointing out here, That relates to the necessity for laxity of Government control that my friend advocates with regard to this Bill, as against the Co-operative Societies Bill for which he has been yesterday advocating that no amount of spoon-feeding would be too much. He says to-day that we should not very often approach the Government with the request of "spoon-feeding". I am surprised that when he finds spoon-feeding quite essential in the case of co-operative societies which have stood the test of quarter of a century and which consist of more educated members, he demands complete license for the formation and working of Trade Unions. What is it that we demand from the Government? We demand of them no favour, no kindness but we only want ourselves, I mean our Trade Unions, to be brought under discipline. That is all what we require. On the registered unions the Government are conferring privileges and rights. Especially Clause 17 which gives immunities in certain cases of suits is indeed a very wholesome and laudable provision. If we are entitled to get privileges why not we submit ourselves to certain control also? What is the control after all that is meant by this Clause which my friend wants to delete from the Bill? It is only a provision for compulsory registration of Unions. With these words I oppose the amendment.

MR. S. J. NAIR (*Nedumangad*): Sir, I support the amendmen. Sir, I do it not in the capacity of a champion of the labourers or of the employers. With a dispassionate view I have studied this subject and I have to come to the conclusion that the acceptance of this provision 14 (2) is most harmful for the promotion of the Trade Unions. This Bill is intended to help the formation of the Trade Unions and to protect and advance their interests. The labour movement is only in its infant stage and the Government or the House by this legislation, could not and shall not stifle the movement. Sir, in order to understand the evil results of this provision, we have to look into this provision along with Clause 30 (1) in the Bill. If we are to take into consideration Clause 14 (2) of this Bill along with Clause 30 (1) of this Bill, then you can come to the conclusion that it is not possible to form Trade Unions at all hearafter. Because, Sir, Clause 14 (2), reads like this:—

> "No Trade Union shall be formed or shall function unless it is registere under the provisions of this Regulation;
>
> Provided that in the case of Trade Unions existing on the date of the commencement of this Regulation, such Trade Unions may function for a period of three months from such date"

[Mr. S. J. Nair.]

Sir, in order to form an association or a Union as a preliminary step a few people will have to gather together. They will have to discuss the subject; they will have to frame certain rules; they will have to elect the office bearers and then they will have to collect funds and apply for registration. The preliminary steps must be gone into only after the formation of the Union. But now under Section 14 (2) the very formation of the Union is penalised. Not only that, for the formation of the Union the poor labourers have no technical knowledge. They have to bring or invite some one else. Those gentlemen who go in to help in the formation of these Unions will also be penalised.

DEPUTY PRESIDENT: The honourable member appears to be not quite relevant. If a number of people join together that does not become a Union.

MR. S. J. NAIR (*Nedumangad*): I was saying, that for taking preliminary steps for the formation of a Trade Union they must assemble together. Now by this Clause in the Bill we are putting the cart before the horse (*Laughter*). I do not understand the relevancy of the provision under Clause 14 (2) Suppose the proviso under Clause 14 (2) was worded like this :—

> Provided in the case of the Trade Unions formed after the date of the commencement of this Regulation, such Trade Unions may function for a period of three months from such date before they are registered under the provisions of this Regulations".

If there is such a proviso permitting the formation of the Trade nion any Union can be formed and even registered here. Clause 14 (2) really penalises the very formation of the Trade Unions. That is why I support the amendment.

MR. K. R. ELENKATH (*Kalkulam I*): One question.

DEPUTY PRESIDENT: Mr. Elenkath had sufficient time to ask questions. Mr. S. J. Nair may now go on.

MR. S. J. NAIR (*Nedumangad*): Sir, under the existing circumstances the present Section as it stands is nothing but prohibition of the formation of Trade Unions. Perhaps as a result of the amendment moved by Mr. Kottoor Kunjukrishna Pillai, the Law Member has come to the conclusion that the existing provisions prevent the formation of Unions. So far as the labourers in this State are concerned let us see what they say about this provision in the Bill. The labourers through their organ known as "Thozilali" comments upon this provision in the Bill as follows :—

"രജിസ്റ്റർചെയ്തിട്ടില്ലാത്ത ട്രേഡ്‌യൂണിയൻസിന്റെ പ്രവർത്തികളെ നിരോധിക്കുന്നതായി ഒരു ഭേദഗതി സെലക്ട്കമ്മിറ്റിക്കാർ നിർദ്ദേശിച്ചിട്ടുള്ളതായി കാണുന്നു. ഈ ഭേദഗതി തൊഴിലാളികൾക്ക വളരെ ദോഷകരമായ ഒന്നാണ്. രാജ്യത്തുള്ള എല്ലാവിധസംഘങ്ങളും രജിസ്റ്റർചെയ്യണമെന്നു ഒരു നിയമം നമ്മുടെ നാട്ടിൽ ഇല്ല. ഇങ്ങനെ ഒരു നിയമം ഉണ്ടാക്കുക എന്നുവച്ചാൽ സംഘങ്ങൾ ക്രുശീകരിക്കുന്നതിനു

പൊതുജനങ്ങളിൽ നിക്ഷിപ്തമായ പൌരാവകാശത്തെ നിരോധിക്കയെന്നാണർത്ഥം. ഈ സ്വാതന്ത്ര്യം മഹാരാജാവുതിരുമനസ്സിലെ എല്ലാ പ്രജകൾക്കും ഉള്ളതാണ്. തൊഴിലാളികൾക്കു ഈ സ്വാതന്ത്ര്യം അനുവദിക്കയില്ലെന്നു നിയമം പാസ്സാക്കുന്നതിൽ അന്തർഭവിച്ചിരിക്കുന്ന അനൌചിത്യം ആക്ഷേപാർഹമാണ്. രജിസ്റ്റർചെയ്യുന്ന സംഘങ്ങൾക്കു ചില പ്രത്യേകാവകാശങ്ങളും സ്വാതന്ത്ര്യങ്ങളും ലഭിക്കണമെന്നു പറയുകയല്ല, രജിസ്റ്റർചെയ്യാത്ത സംഘങ്ങൾ പ്രവർത്തിച്ചുകൂടെന്നു ശഠിക്കുന്നതു നീതീകരിക്കത്തക്കതല്ല. ഈ ബില്ലിന്റെ ഉദ്ദേശത്തിനുതന്നെ ഇതു വിപരീതമാണ്. സംഘങ്ങൾ രജിസ്റ്റർചെയ്യുന്നതിനു സൌകര്യം കൊടുക്കുന്നതിനു മാത്രമാണ് ഈ ബില്ലു കൊണ്ടുവരപ്പെട്ടിട്ടുള്ളതു്."

DEPUTY PRESIDENT: I cannot permit long quotations.

MR. S. J. NAIR (*Nedumangad*): Only two sentences more, Sir.

"ഈ വ്യവസ്ഥ ബ്രിട്ടീഷ്ഇൻഡ്യൻ നിയമത്തിൽ ഇല്ലതന്നെ. സിലക്ട്കമ്മറ്റിക്കാരുടെ ഭേദഗതി പാസ്സാകുന്നപക്ഷം ആയതു തൊഴിലാളികളുടെ അവകാശങ്ങളെ ധ്വംസനംചെയ്യുന്നതിനുള്ള ഒരുപാധിയായിത്തീരുമെന്നുള്ളതിൽ ഞങ്ങൾക്കു യാതൊരു സംശയവുമില്ല."

MR. P. S. MAHOMED (*Co-opted*): അതു ഏതു തീയതിയിലെ പേപ്പറാണെന്നു പറയാമോ?

MR. S. J. NAIR (*Nedumangad*): 4th Vrischikam 1112.

MR. K. R. ELENKATH (*Kalkulam I*): പത്രാധിപർ ആരാണ്?

MR. S. J. NAIR (*Nedumangad*): പത്രാധിപരാരാണെന്നു ഇതിൽകാണുന്നില്ല.

[C.] Sir, excuse me for having spoken in Malayalam. I do not find. I must refer to.........

DEPUTY PRESIDENT: All these are irrelevant. You proceed.

MR. S. J. NAIR (*Nedumangad*): I can assure the House that the *Thozhilali Newspaper* is the only organ of the labourers. Such being the case, much weight must be given to the opinion expressed in the paper.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether it is a registered paper?

MR. S. J. NAIR (*Nedumangad*): It is a registered paper.

DEPUTY PRESIDENT: I wish the right of questioning will be exercised with due circumspection.

MR. S. J. NAIR (*Nedumangad*): Sir, it will be evident from Clause 14 (2) as well as Clause 30 (1) of the Bill that if Clause 14 (2) is permitted to remain in this Bill it will stifle the labour movement by prohibiting the formation of all sorts of Trade Unions in the State. It will directly affect the very formation of Trade Unions hereafter. I upport the amendment.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Sir, I oppose the amendment, even at the risk of being misunderstood by my friends. I had nothing to do with capitalists. If I had anything to do with any organisation at Alleppey it was with the labour organisation. I don't claim any intimate knowledge of labour conditions but I know the general working of some labour organisations.

Sir, Travancore is still pre-eminently agricultural in occupation. The condition of British India where very many mills exist side by side, employing thousands of labourers, is not obtained here. In recent years there has been in this State a wide gulf created between capital and labour.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon I*): Is there no country in the world where that gulf is not created?

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): All over the world it is so. It is all a question of degree. In Alleppey and Shertala unnecessary estrangements between capital and labour have often dislocated trade. After all, would this compulsory registration be a real hardship and injustice to the labourers? It will provide certain status and privileges and responsibilities to labourers. They could now organise and discipline themselves. Along with the same, there is a co-existing responsibility also in the matter. According to certain Clauses in the Bill any labour organisation after registration must keep accounts, must render accounts of the funds they collect and there should be annual auditing. For the privileges conferred, there are these corresponding duties also. Take for instance a big firm doing business either in Quilon or in Alleppey, which has invested a lakh of rupees and which employs 500 or 600 labourers. If 95 per cent. of the labourers of that factory form themselves into a labour organisation registered accoring to this Bill and if 5 per cent. of the labourers keep away and form themselves into a voluntary organisation and try to influence and play upon the credulity of the majority, then incalculable mischief can be done for industry and commerce in this State.

Irresponsible people might exploit labour for their own selfish and personal ends. Again labour is often exploited by interested persons for political purposes and recent experiences are yet fresh in our memory.

My friend Mr. K. Kunjukrishna Pillai mainly dwelt upon the fact that this compulsory registration will constitute a violation of the inherent rights of citizens to voluntarily combine and work for the welfare of their fellow citizens. As the learned Deputy President remarked during the discussion of this Clause, when we take into consideration the particular provision, we see that for the most efficient working, for the betterment and for the ultimate good of the associations, we have to accept certain rules. For the collective representation, the representation of the grievances in a cogent and effective way to the capitalists, and to the public and every constituted authority in this State, the organisations of labour should be registered under the statute and worked accordingly. Then in the long run it will conduce to the betterment of labour. With these remarks, I oppose the amendment.

MR. P. S. MAHOMED (*Co-opted*): സർ, തൊഴിലാളിസംഘം തിരുവിതാംകൂറിൽ ആദ്യമായിസ്ഥാപിച്ച് അതുമായിട്ടു ൧൭ വഷത്തെ അടുത്തപരിചയമെന്നുള്ള നിലയിലും, അതിലെ പ്രസിഡൻറ് എന്ന നിലയിലും എനിക്കു തൊഴിലാളിസംഘങ്ങളെപ്പററി പല സംഗതികളും അറിയാൻ കഴിഞ്ഞിട്ടുണ്ട്. എൻെറ പരിചയത്തിൽനിന്നും ചിലസംഗതികൾ ഈ സഭയുടെ ദൃഷ്ടിയിൽകൊണ്ടുവരണമെന്നു ഞാൻ വിചാരിക്കുന്നു തൊഴിലാളികളുടെ ഭാഗം വാദിക്കുന്നതിനായി ഗവണ്മെൻറിൽനിന്നും എന്നെ ഈ സഭയിൽ നിയമിച്ചിട്ടുള്ളതു് എൻെറ പരിചയം കൊണ്ടാണെന്നാണ് ഞാൻ വിചാരിക്കുന്നതു്. അതിനാൽ തൊഴിലാളികളെ സംബന്ധിച്ചിടത്തോളമുള്ള പ്രധാനമായ ചില സംഗതികൾ ഈ സഭയുടെ ശ്രദ്ധയിൽ കൊണ്ടുവരിക എന്നുള്ളതു് എൻെറ ഒരു പ്രധാന ചുമതലയാകുന്നു. ഈ ചുമതലനിർവഹിക്കുന്നതിനിടയിൽ വെളിയിലുള്ളതായ തൊഴിലാളികളുടെയിടയിൽ ഉള്ള അഭിപ്രായങ്ങളെ പരാമർശിക്കാതെ എൻെറ യഥാർത്ഥ കൃത്യനിർവഹണത്തിനാണു ഞാൻ തുടരുന്നതു്.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Does the member represent labour opinion or labour interests?

MR. P. S. MAHOMED (*Co-opted*): Labour interests.

എൻെറ സ്നേഹിതൻ മി. എസ്. ജെ. നായർ വൃശ്ചികം ൪-ാം നു-യിലെ 'തൊഴിലാളി' പത്രം ഇവിടെ വായിക്കയുണ്ടായി. അതു കൊല്ലത്തുവച്ച് തൊഴിലാളിയോഗം നടന്നകാലത്തിനടുപ്പിച്ചുള്ള ഒരു പത്രമാണ്. കൊല്ലത്തുവച്ച് എൻെറ മാന്യസ്നേഹിതൻ മി. കോട്ടൂർ കുഞ്ഞുകൃഷ്ണപിള്ളയുടെ അദ്ധ്യക്ഷതയിൽകൂടിയ യോഗത്തിൽതന്നെ ഈ ബില്ലിൽ സെലക്ട്കമ്മിററിവരുത്തിക്കൂട്ടിയിട്ടുള്ള ഭേദഗതികൾ തൊഴിലാളികൾക്ക് ആപൽകരമാണെന്നും, തൊഴിലാളി പ്രതിനിധിതന്നെ ഈ ഭേദഗതി കൊണ്ടുവന്നതാണെന്നും മററും പ്രസ്താവിച്ചതായിട്ടു ചില പത്രങ്ങളിൽകണ്ടു. എന്നാൽ യഥാത്ഥത്തിൽ ഈ ഭേദഗതി ഞാനല്ലാ കൊണ്ടുവന്നതു്. ഒരു മുതലാളിയായ എൻെറ മാന്യസ്നേഹിതൻ മി. കെ. സി. കരുണാകരനാണ്. അദ്ദേഹം ഒരു മുതലാളിയാണെങ്കിലും അദ്ദേഹം കൊണ്ടുവന്നതായ ഭേദഗതി തൊഴിലാളികളുടെ താല്പര്യത്തിനു ഏററവും പ്രയോജനകരമായ ഒന്നാണെന്നു തോന്നുകയാൽ ഞാൻ അതിനെ അനുകൂലിച്ചു. ഇപ്പോഴും ആ തത്വത്തെ അനുകൂലിച്ചുകൊണ്ട്, എൻെറ സ്നേഹിതൻ മി. കുഞ്ഞുകൃഷ്ണപിള്ള ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ള ഭേദഗതിയെ എതിക്കയാണു ഞാൻ ചെയ്യുന്നതു്.

[Mr. P. S. Mahomed.]

സാമുദായികമായോ മതപരമായോ ഉള്ള സംഘടനകൾക്കൊന്നിനും തന്നെയില്ലാത്തതായ ഒരു നിബന്ധന തൊഴിലാളിസംഘടനക്കായിമാത്രം വച്ചിരിക്കുന്നതു് അതിനെ ദ്രോഹിക്കാനാണെന്നൊക്കെയാണ് തൊഴിലാളികളെ ധരിപ്പിച്ചുവച്ചിരിക്കുന്നതു. എന്നാൽ ഞാൻ അതിന്റെ മറുവശം പറഞ്ഞുകഴിഞ്ഞാൽ തൊഴിലാളികൾ അതു് സ്വീകരിക്കും. തൊഴിലാളികളെ പറഞ്ഞു തിരിപ്പിക്കുന്നതുപോലെ ഉത്തരവാദിത്വമുള്ള ഈ സഭയിലെ സാമാജികന്മാരെ തിരിപ്പിക്കുക എന്നുള്ളതു് അത്ര എളുപ്പമുള്ള ഒന്നല്ല.

DEPUTY PRESIDENT: I think, all that is unnecessary. Please proceed with your argument.

MR. P. S. MAHOMED (*Co-opted*) : രജിസ്ട്രേഷൻ എന്നുള്ള ഒരു നിബന്ധന തൊഴിലാളികളുടെ തലയിൽ ഗവണ്മെന്റ് വലിച്ചുവക്കയല്ലചെയ്തതു. പല വർഷങ്ങളായി ഞാൻ സംബന്ധിച്ചിട്ടുള്ള തൊഴിലാളിസംഘങ്ങളിൽ നിന്നും ഇങ്ങനെ ഒരുനിയമം വേണമെന്നും, തൊഴിലാളിസംഘങ്ങൾ രജിസ്റ്റർ ചെയ്യണമെന്നും മറ്റും പല പ്രാവശ്യമായി ഗവണ്മെന്റിനെ അലട്ടികൊണ്ടിരുന്നതിന്റെ ഫലമായിട്ടാണ് ഇങ്ങനെ ഒരു വകുപ്പുണ്ടായതു്. തൊഴിലാളികൾക്കു് ഒരു സംഘടനവേണം, അതു നിയമപരമായിരിക്കണം, അവക്കു ഒരു സ്റ്റാറ്റസ് വേണം എന്നൊക്കെ അവർ വളരെക്കാലമായി ആഗ്രഹിച്ചുകൊണ്ടിരിക്കുകയാണ്. അതിനു പര്യാപ്തമായ ഒരു നിയമം ഈ സഭയിൽ കൊണ്ടുവരുമ്പോൾ അതു് പൊതുവെ എല്ലാവരെയും ബാധിക്കാത്ത നിലയിൽ ആക്കിത്തീർക്കുന്നതു് കാര്യക്ഷമതയോടും ഉത്തരവാദിത്വത്തോടും കൂടി തൊഴിലാളിസംഘങ്ങളെ നയിക്കുന്നതിനു ബാധകമായിത്തീരും. സംഘം രജിസ്റ്റർചെയ്തു് തൊഴിലാളികളുടെ അഭിവൃദ്ധിക്കുവേണ്ടി പ്രവർത്തിച്ചുകൊണ്ടിരിക്കുമ്പോൾ യാതൊരു ഉത്തരവാദിത്വവുമില്ലാതെ പ്രവൃത്തിക്കാൻ മറ്റൊരു കൂട്ടരെ അനുവദിച്ചാൽ അതു തൊഴിലാളികളുടെ രക്ഷക്കായി നാളതുവരെ പരിശ്രമിച്ചുകൊണ്ടിരുന്നതിന്റെ ഫലം പ്രയോജനരഹിതമായിട്ടുതീരും.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : മെംബർ സംബന്ധിച്ചിരുന്ന സംഘങ്ങൾ ഏതെങ്കിലും ഇങ്ങനെയുള്ള സംഘടനകൾ രജിസ്റ്റർ ചെയ്യാനുള്ള സൌകര്യം ഉണ്ടാക്കിത്തരണം, രജിസ്റ്റർ ചെയ്യാത്ത യാതൊരു സംഘടനകളും പാടില്ല എന്നു ആവശ്യപ്പെട്ടിട്ടുണ്ടോ?

MR. P. S. MAHOMED (*Co-opted*) : രജിസ്റ്റർചെയ്യണമെന്നുവരുമ്പോൾ എല്ലാം രജിസ്റ്റർ ചെയ്യണം, അതിൽ ചിലതിനെ ഒഴിവാക്കുന്നതു് പലതരത്തിലുള്ള കുഴപ്പങ്ങൾക്കും ഇടയാക്കുന്നതാണു്.

സർ, മി. കോട്ടൂർ കുഞ്ഞുകൃഷ്ണപിള്ള പറഞ്ഞന്യായം സാമുദായികമായും മതപരമായും ഉള്ള സംഘടനകൾക്കു രജിസ്ട്രേഷൻ ആവശ്യമില്ലെന്നുവച്ചിരിക്കുമ്പോൾ തൊഴിലാളിസംഘങ്ങൾക്കു രജിസ്ട്രേഷൻ വേണമെന്നു പറയുന്നതു് ശരിയല്ലെന്നാണു്. സാമുദായികവും മതപരവുമായ സംഘങ്ങളെല്ലാം തന്നെ പൊതു നിയമത്തിന്റെ പരിധിയിൽവരുന്നതാണു്. അതിലേക്കു പ്രത്യേകം ഒരു നിയമംവേണമെന്നു ആവശ്യപ്പെട്ടിട്ടുമില്ല.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : രജിസ്റ്റർ ചെയ്യാത്തട്രേഡ് യൂനിയൻസിനു ഇതിൽ പറഞ്ഞിരിക്കുന്ന പ്രത്യേകാവകാശങ്ങൾ കൊടുക്കയില്ലെന്നു മെമ്പർക്കറിയാമോ?

MR. P. S. MAHOMED (*Co-opted*) : അതെനിക്കു വ്യക്തമായിട്ടറിയാം. എന്നാൽ ഈ നിയമമനുസരിച്ചുള്ള പ്രിവിലേജസ് വേണ്ട, അതുകൊണ്ടു സംഘടന രജിസ്റ്റർ ചെയ്യേണ്ടാ എന്നുവക്കുന്നതു മററു സംഘങ്ങളുടെ പുരോഗതിയെ തടയുന്നതിനു മാർഗ്ഗമായിത്തീരും. അങ്ങിനെയുള്ള സൌകര്യങ്ങൾ ഒരിക്കലും കൊടുക്കരുതു്. എന്റെ സ്നേഹിതന്മാരായ മുതലാളിമെമ്പർമാർ പലരും ഇതിനെ അനുകൂലിച്ചു സംസാരിച്ചതുകേട്ടപ്പോൾ എന്റെ ഹൃദയം തണുക്കുകയാണു് ചെയ്തതു്. ഇപ്പോൾതന്നെ ഗവണ്മെൻറിനെ ധരിപ്പിച്ചുകൊണ്ടിരിക്കുന്നതു ഈ തൊഴിലാളിപ്രസ്ഥാനങ്ങളെല്ലാം പി. എസ്. മഹമ്മദിനോ മററു വല്ലവർക്കുമോ ഏതോ ചില സ്ഥാനം ലഭിക്കുന്നതിനുവേണ്ടിയാണെന്നാണു്. നേരേമറിച്ചു രജിസ്റ്റർ ചെയ്ത സംഘങ്ങളാണെങ്കിൽ ഇങ്ങനെയുള്ള സംഭവങ്ങൾ ഉണ്ടാകയില്ല.

MR. P. C. KURIYAN (*Kottayam I*) : ഈ ബില്ലിന്റെ ആവശ്യത്തിനായി മെമ്പറെ സർക്കാരിൽനിന്നും നാമിനേററു ചെയ്തപ്പോൾ മെമ്പരുടെ റിപ്രസന്റേഷൻ ഉണ്ടായിരുന്നോ?

DEPUTY PRESIDENT : What led to the appointment of any particular member of this House does not arise.

MR. P. S MAHOMED (*Co-opted*) : രജിസ്റ്റർചെയ്ത സംഘങ്ങളും അല്ലാത്ത സംഘങ്ങളും ഉണ്ടായിരിക്കയെന്നു വരുന്നതു് മുതലാളികളുടെ കയ്യിൽ രജിസ്റ്റർ ചെയ്ത സംഘങ്ങളെ നശിപ്പിക്കുന്നതിനുള്ള ഒരു ആയുധം നല്കുന്നതിനു തുല്യമാകുന്നു. ഒരു രജിസ്റ്റർസംഘം കാര്യക്ഷമമാ

[Mr. P. S. Mahomed.]

യി ജോലി ചെയ്യുവരുമ്പോൾ മുതലാളികൾ ആ സംഘത്തിന്റെ പ്രവൎത്തനങ്ങളെ നശിപ്പിക്കുന്നതിനായി അവരുടെ സ്വന്തം പാർശ്വവൎത്തികളായ ഏതാനും ചില തൊഴിലാളികളെ ചേൎത്ത് മറെറാരു ട്രെയിഡ് യൂനിയൻ തുടങ്ങാനെളുപ്പമുണ്ട്. കുറെ തൊഴിലാളികൾ എപ്പോഴും മുതലാളികളുടെ സ്വാധീനതയിലുണ്ടായിരിക്കും. ഇങ്ങനെ വരുമ്പോൾ ഈ രണ്ടു സംഘങ്ങളും തമ്മിൽ മൽസരത്തിനിടവരാതിരിക്കാൻ തരമില്ല. ഇതെന്റെ അനുഭവമാണ്. ഒരു തൊഴിലാളിസംഘം കാൎയ്യക്ഷമമായി ജോലിചെയ്യുവരുന്നു എന്നു കണ്ട അവസരത്തിൽ ആ സംഘത്തെ നശിപ്പിക്കാനായി എന്റെ മാന്യസ്നേഹിതന്മാരായ ചില മുതലാളികൾ മറെറാരു തൊഴിലാളി സംഘം രൂപീകരിച്ചിട്ടുണ്ടായിരുന്നു. മേലും അവർ അങ്ങിനെ ചെയ്യുകയില്ലെന്നു എനിക്കു വിശ്വാസമില്ല. ആയതുകൊണ്ട് ഇങ്ങനെയുള്ള ഒരായുധം ഒരിക്കലും മുതലാളികളുടെ കയ്യിൽ കൊടുക്കരുതെന്നാണ് എനിക്കു പറയുവാനുള്ളത്.

MR. N. E. VARUGHESE (*Tiruvalla I*) ശരിയായി സംഘടിപ്പിച്ചു ജോലി ചെയ്യുന്ന രജിസ്റ്റേർഡ് സംഘങ്ങളുടെ ഇടയിൽത്തന്നെ അഭിപ്രായവ്യത്യാസം വരികയില്ലേ?

MR. P. S. MAHOMED (*Co-opted*) : അങ്ങിനെ ഒരു അഭിപ്രായവ്യത്യാസം വരികയാണെങ്കിൽ അതു് ഇരു കൂട്ടൎക്കും ഇരു പോലെ മാത്രമേ ദോഷത്തെയുണ്ടാക്കുകയുള്ളു. ഇരുകൂട്ടരും അവരവരുടെ ഗുണത്തിനുവേണ്ടി പ്രവൎത്തിക്കുകയേയുള്ളു. തൊഴിലാളികളധികവും സാധുക്കളും കാൎയ്യവിവരമില്ലാത്തവരുമാണ്. അതുകൊണ്ട് അവരെ ഏതുവഴിക്കും തിരിച്ചുകൊണ്ടുപോകാൻ സാധിക്കും. രജിസ്റ്റർചെയ്ത ട്രെയഡ് യൂനിയൻസ് ഉത്തരവാദിത്വമുള്ളവയാകകൊണ്ട് അവയുടെ പ്രവൃത്തികൾ കാൎയ്യക്ഷമമായി മുന്നോട്ടുപോകാൻ സാധിക്കും.

എനിക്കു ഇനി മറെറാരു സംഗതി ഈ സഭയുടെ ശ്രദ്ധയിൽ കൊണ്ടുവരേണ്ടതായിട്ടുണ്ട്. അതായതു രജിസ്റ്റർ ചെയ്തതും ചെയ്യാത്തതുമായ സംഘങ്ങളുണ്ടാകാമെന്നു വരുമ്പോൾ തൊഴിലാളികളുടെയും മുതലാളികളുടെയും ക്ഷേമത്തെ മുൻനിറുത്തി പ്രവൎത്തിക്കുന്നവൎക്കു പല പല വൈഷമ്യങ്ങളുമുണ്ടാകും. ചുരുക്കത്തിൽ രജിസ്റ്റർ ചെയ്തിട്ടുള്ള സംഘങ്ങൾക്കു് ഒന്നും ചെയ്യുവാൻ സാധിക്കയില്ല. അസോസിയേഷൻ ചില ലേബർ വെറും പേപ്പറിൽ മാത്രമെ ഉള്ളു. ചിലൎക്കു ലേബർ ലീഡർ ആകാൻ സൌകൎയ്യമുണ്ടാക്കി കൊടുക്കത്തവണ്ണം മാത്രമുള്ള ഒരു നിയമം തിരുവിതാംകൂറിൽ പാസ്സാക്കുന്നതു് രാജ്യത്തിനും, തൊഴിലാളികൾക്കും മുതലാളികൾക്കും ആപത്താണ്.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : ട്രേയിഡ് യൂണിയൻസ് രജിസ്റ്റർ ചെയ്താൽ അങ്ങിനെ ആക്ഷം ലീഡറാകാൻ സാധിക്കുകയില്ലെന്നാണോ മെമ്പറുടെ അഭിപ്രായം?

MR. P. S. MAHOMED (*Co-opted*) ; ആകാം. പക്ഷെ രജിസ്റ്റർ ചെയ്ത ഒരു യൂണിയനാണെങ്കിൽ ലേബർ ലീഡർക്കു ചില ഉത്തരവാദിത്വങ്ങളൊക്കെയുണ്ടാകും.

MR. PUTHUPALLY S. KRISHNA PILLAI (*Quilon II*) : രജിസ്റ്റർ ചെയ്തു കഴിഞ്ഞാൽ ലേബർ ലീഡേർസിനു കൂടുതൽ സ്വാതന്ത്ര്യങ്ങളുണ്ടാകുമെന്നു മെമ്പർക്കറിയാമോ?

MR. P. S MAHOMED (*Co-opted*) . രജിസ്റ്റർ ചെയ്യാതെയിരുന്നാൽചില സംഗതികൾ ചെയ്യുവാൻ കൂടുതൽ സ്വാതന്ത്ര്യമുണ്ടാകും.

MR. PUTHUPALLY S. KRISHNA PILLAI (*Quilon II*) : നല്ലതു ചെയ്യുവാനുള്ള സ്വാതന്ത്ര്യവും ഉണ്ടെന്നു മെമ്പർക്കറിയാമോ?

MR. P. S. MAHOMED (*Co-opted*) അതിനെപ്പററി ഞാൻ പറയുവാൻ പോകയാണ്. രജിസ്റ്റർ ചെയ്താലും ചെയ്തില്ലെങ്കിലും നന്മചെയ്യാനുള്ള സ്വാതന്ത്ര്യമുണ്ട്. എന്നാൽ തിന്മ ചെയ്യുവാനുള്ള സ്വാതന്ത്ര്യം രജിസ്റ്റർ ചെയ്യാത്ത സംഘങ്ങൾക്കുള്ളതുപോലെ തന്നെ രജിസ്റ്റർ ചെയ്ത സംഘങ്ങൾക്കു കാണുകയില്ല.

ഇതിനും പുറമേ രജിസ്റ്റർ ചെയ്ത സംഘങ്ങളുടെ ഫണ്ടു ദുർവിനിയോഗം ചെയ്യാൻ സാധിക്കുകയില്ല.

ഇതിൽ ഏററവും പ്രധാനമായ ഗുണം അതാണ്. പാവപ്പെട്ട തൊഴിലാളികൾ രാവും പകലും അദ്ധ്വാനിച്ചു അവരുടെ രക്തം വെള്ളമാക്കി ഉണ്ടാക്കുന്ന പണം കുറെ ആളുകളുടെ സുഖത്തിനുവേണ്ടിയും ഉദരപൂരണത്തിനുവേണ്ടിയും ചിലവു ചെയ്യുന്നതിനുള്ള സൌകര്യം ഒരിക്കലും നാം നൽകരുത്. കഴിയുന്നതു അവരുടെ പണം മുഴുവനും അവരുടെ ആവശ്യത്തിനായി മാത്രം ചിലവാക്കത്തക്ക രീതിയിൽ അവയെ നിയന്ത്രിക്കണം.

MR. A. THANU PILLAI (*Trivandrum Rural*) : മെമ്പർ സംബന്ധിക്കുന്ന സംഘടനകൾ ഇങ്ങനെ നിയമം വേണമെന്നാവശ്യപ്പെട്ടിട്ടുണ്ടോ?

MR. P. S. MAHOMED (*Co-opted*) : അതു കൊണ്ടാണ് ഞാൻ ഇങ്ങനെ പറയുന്നതു. തൊഴിലാളികളുടെ പുരോഗമനത്തെ തടയത്തക്കവണ്ണമുള്ള സംഘടനകൾ എല്ലാ സന്ദർഭത്തിലും ഉണ്ടാകുമെന്നു ഞാൻ പറയുന്നില്ല. എന്നാൽ അങ്ങിനെയുള്ള സംഘടനകൾ വല്ലപ്പൊഴുമെങ്കിലും ഉണ്ടാകാതിരിക്കത്തക്കവണ്ണം വേണ്ട നിബന്ധനകൾ ഈ ബില്ലിൽ ആവശ്യമാണ്.

[Mr. P S. Mahomed.]

ഈ രാജ്യത്തെ നിലക്ക് ഈ ബില്ലുകൊണ്ടു പ്രധാനമായുദ്ദേശിക്കുന്നതു തൊഴിലാളികളും മുതലാളികളും സൌഹാർദ്ദപരമായി പെരുമാറത്തക്ക നിലയിലുള്ള ഒരന്തരീക്ഷമുണ്ടാക്കണമെന്നാണ്.

MR. N. E. VARUGHESE (*Tiruvalla I*) : I rise to a point of order. We are not discussing the general principles now.

DEPUTY PRESIDENT : While thanking Mr. Varughese for the good ness with which he pointed out that, I do not think that it is very necessary now.

MR. P. S. MAHOMED (*Co-opted*) : സംഘങ്ങളുടെ രജിസ്ട്രേഷൻ, കാര്യക്ഷമമായി കാര്യങ്ങൾ മുന്നോട്ടു കൊണ്ടു പോകുന്നതിനത്യന്താപേക്ഷിതമാണെന്നു എനിക്കഭിപ്രായമുള്ളതുകൊണ്ടു ഞാൻ ഈ ഭേദഗതിയെ എതിർത്തുകൊള്ളുന്നു.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Sir, I rise to support the amendment. To me it appears that the whole opposition to this amendment is based on a misconception, a very unfortunate misconception. Let us see how the idea of labour legislation originated. The demand was made by the few existing organisations in the State. We should not ignore that fact. We heard a good deal about the way in which labour association funds are being mismanaged, labourers are being exploited, and so on. We must not forget the fact that these very associations against which these charges are being made, made a demand for labour legislation. So we may take it that when this Bill is passed into law these associations will get themselves registered in order that they may enjoy the benefit conferred upon them by this law. It is to provide facilities for these Trade Unions to get themselves registered in order so enjoy the benefits accruing therefrom that this Bill has been introduced. Let us not overlook that fact. There has not been a demand so far as I know for a law prohibiting the formation or the the working of the labour associations that are not registered. Let us pass this Bill. Let us see how the associations are working. Let us see whether labourers are being exploited. Let us see whether any trouble will arise if there is no compulsory registration. It will then be time for us to provide for compulsory registration. In the absence of such a demand I fail to see why we should confuse one demand with the other.

MR. P. C. KURIYAN (*Kottayam I*) : May I ask whether labourers will get the benefits of this legislation if they are not registered ?

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Sir, that is just what I say. The labour associations will naturally get themselves registered under the law and will then get the benefits that this Bill seeks to confer on them.

MR. P. C. KURIYAN (*Kottayam I*) : My question is whether without registering themselves they will get the benefits ?

MR. A. THANU PILLAI (*Trivandrum-Rural*): Such of them as desire to get the benefits of the law will get themselves registered. And such of them who do not want these benefits or who are not able to get themselves registered may not do so. After a time when associations find that registration is beneficial they will naturally get themselves registered. But the question now is whether we should penalise associations that are not registered. That is the only point for consideration now. To me it appears that a case has by no means been made out to prohibit a voluntary association of workmen being formed for common benefit without registration. The position has been made very difficult and rather delicate I should say by even the representative of labour advocating compulsory registration. I little thought, Sir, that difficulties would go to this length in respect of this Bill. (*Laughter.*) Of course everybody, both capitalist and labour representatives, advocated compulsory registration for the benefit of labourers. Now, Sir, are labourers after all so helpless? That is why I said the situation has not arisen in which the labourers ought to be protected to that length.

MR. K. R. ELENKATH (*Kalkulam I*): May I know from the member when he expects that such a situation will arise?

MR. A. THANU PILLAI (*Trivandrum-Rural*): I do not expect that such a situation will arise. What I said was that if such a situation arises then we will deal with it. The situation has not arisen now.

MR. K. R. ELENKATH (*Kalkulam I*): I want to put a question Without giving facilities for the Government to control the organisation how is it possible to know whether an unregistered Union will be benefited?

MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, that question is irrelevant, pointless, and meaningless.

DEPUTY PRESIDENT: The honourable member is not right in saying that the question is irrelevant and meaningless. That is a point for the chair to consider. Of course I understand the spirit in which the honourable member said that; he did not mean any reflection upon anybody. If he has any answer to give he may give that.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Since the question has been put, I will answer that. The question is how can we know that a society is not working well unless it is scrutinised according to law. My answer is that the majority of labour associations will get themselves registered if registration is found to be beneficial. There may be a few here and there who may not get themselves registered. In the case of those societies, if their members do not want registration, then nobody need trouble about them. If a large number of labour associations of that class are found to exist and the labourers are subjected to exploitation, a situation will arise for the legislature to intervene. If such a situation arises, we will then intervene. But, for the sake of a few associations here and there that do not get themselves registered, are we to provide for compulsory registration? Let them remain unregistered. Let me ask what we did in the case of Provident

[Mr. A. Thanu Pillai.]

Insurance Societies. At first the legislature did not intervene. When a large number of societies came into being the legislature rightly intervened. In a similar manner let us see whether the necessity arises for the legislature to intervene.

MR. P. C. KURIYAN (*Kottayam I*): Is it the opinion of the member that the legis'ature should interfere only when there is a dead-lock?

DEPUTY PRESIDENT: That does not arise.

MR. A. THANU PILLAI (*Trivandrum-Rural*): When it is generally felt that a situation had arisen, then only the legislature should interfere The amendment of Mr. Kunjukrishna Pillai is necessary, and I think we can pass this Clause without those two sub-clauses. With these words, I support the amendment.

MR. N. E. VARUGHESE (*Tiruvalla I*): In supporting the amendment I wish to say a few words. The definition of the word "Trade Union" is very comprehensive and it covers a society formed with few men just for the purpose of ventilating their grievances. I quite agree with my friend Mr. Thanu Pillai that the time has not yet come to make such a legislation. Why should we be so very anxious, when there is no need for it? I am told that there are only very few associations of the kind in Travancore. We are not in the know of having come across *pseudo* associations having for their objects to conduct agitations in an undesirable manner. Unless there is strong proof that such associations are likely to do mischief no necessity for registration arises. Why we should go in for a legislation anticipating some difficulties I cannot understand. Every opportunity should be given to all the associations whether registered or not to ventilate their grievances.

(At this stage the President took the Chair).

Let us wait and see whether there are unnecessary and undesirable associations and then we will find out the necessity for providing a suitable provision. Whenever we pass a legislative measure we have to give our assent after examining both sides of the question. In this case also we have to look into the other side of the question. We should not see only the rich man's point of view and legislate for his benefit Opportunity should be given to the labourers to conduct their associations and to ventilate their grievances if any and thus enable them to get their remedies. It is very easy to say that you can form associations and register them. But registration requires money and what will the poor labourers do. Even for the formation of the associations they may not have enough money; they may have to appear before the Registrar and these are very difficult and expensive things for them. Unless we know that a large number of unregistered associations are working in the State and we are satisfied that their works should be controlled for the advancement of orderly trade and industry it will not be just and proper on the part of the legislature to introduce compulsion in the matter.

Hence I support the amendment.

MR. K. JANARDANA KAMATH (*Commerce and Industry, North*): I oppose the amendment and in doing so I wish to speak a few words as I represent commerce and industry and I feel bound to do so.

Well, whatever may be the arguments or reasons advanced by my friends in supporting the amendment, there can be no dispute regarding the fact that a corporate body or Union can work properly only in case there is some control or check on it. In the interest of members themselves of any Trade Union, it is desirable that the Union should be registered and that the registering authority is invested with the powers of supervision and control over the Unions.

If on the other hand perfect liberty is given to workmen and employers to form themselves into a Union at any moment and to dissolve the Union at any moment there will be wide scope for mismanagement of the Union affairs and misuse of Union funds. If registration of Trade Unions is made compulsory the Registrar will be able to control and supervise the management of their affairs and the use of Union funds.

In the interest of unions themselves and for a proper working I think registration of Trade Unions should be made compulsory and so I oppose the amendment.

MR. G. NILAKANTAN (*Nominated*): I support the amendment. In the first place in British India the Trade Unions Bill was passed in 1926. Though 12 years have elapsed, they have not thought it fit to amend the law making the registration compulsory. I do not see any reason why we should hasten to pass a law different from the British Indian Act. Mr. Thanu Pillai said that no case has been made out for compulsory registration of an association without seeing how it works. I agree with him.

The objection that has been raised by the supporters of compulsory registration of labour associations is that it will prevent Unions from misbehaving. I do not see why a Union organised for he good of the members should misbehave. The very object of the organisation is to work for the betterment of the labourers. Such associations are generally under the control of leaders who are usually men of character. It will be their duty to see that the associations work for the good of the members.

Associations are started for the spreading of ideas as to their rights and privileges among the labour population. As it is difficult to form an association in strict conformity with all the provisions of the Regulation, this object cannot be secured. Compulsory registration would also render it difficult to form associations with some of the objects enumerated in Section 15 of the Bill. With these words, I support the ammendment.

MR. P. C. KURIYAN (*Kottayam I*): I oppose the amendment. The mover of the amendment advanced two sorts of arguments. One is that there is no such provision in British India and outside India. My friend Mr. Karunakaran who knows the conditions of labour both in the Continent and Dominions abroad has met that question to the satisfaction of all the members in this House and I hope that answer will satisfy the mover. So far as conditions of labour in British India are concerned our learned Deputy President has sufficiently answered the mover's objections. It is admitted on all hands that Travancore is a very enlightened country and it is in its onward progress. I can even say that our country takes the lead in important matters.

[Mr. P. C. Kuriyan.]

Trade Unions are associations formed for the purpose of bettering the lot of labourers. There are two parties to the labour legislation, namely, labourer and capitalist. The co-opted members who represent the cause of labour and capital are agreed that Trade Unions shall be registered bodies and I do not know for whom we are going to make a change. I think we need only incorporate provisions on which labour and capital are agreed. My friend Mr. Thanu Pillai in his summing up, stated that this Bill was brought at the instance of the labourers and so most of them will voluntarily come for registering their associations even without such a provision in the Bill. If that is so, is it not better to make a provision for compulsory registration? Why should we allow societies to grow to-day and disappear tomorrow? If by registration the labourers would be benefited why not make such a provision? Why should a man be allowed to have his own way? I cannot understand that. If labour and capital combine, it will have its effect on the industrialisation of the country.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether he realises that Trade Unions can be formed of employers?

MR. P. C. KURIYAN (*Kottayam I*): Yes. Then the question of individual liberty to which my friend Mr. Kunjukrishna Pillai referred remains. I think the objection of my friend is at best only a technical one, for all legislations involve some restriction on individual liberty. I think as society advances and new privileges are granted to us our responsibilities and obligations too increase correspondingly. If my friend seriously objected to the Bill on this ground he could have very well opposed the Bill instead of blowing hot and cold in the same breath. According to him he wants a Bill to provide for the registration of Trade Unions and at the same time to have provisions there in for the non-registration of the Trade Unions also. So to pass such a legislation will be like building a strong fortress and leaving one of the gates open for the enemy to enter.

Moreover in the case of labour, it is not a mere right to combine amongst them. Every combination amongst them is likely to affect the interest of the capitalist who has invested his money in the concern. With these words I support the amendment.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): Sir, I support this amendment. In doing so I do not deny that the amendment has been opposed by the representative of the labourers. He claims to have had long, intimate and practical knowledge of the working of the Labour Associations and with that background opposes the amendment before the House. Now, Sir, to me it is not a matter of expediency but a matter of principle. What is the object of this legislation? In the statement of objects and reasons it is stated that the essential object of this Bill is to safeguard the progress of industry in the State. To improve the condition of labour the right of combination is essential. But, Sir, this Bill as amended by the Select Committee has taken away a very valuable right as it makes all unregistered Trade Unions illegal and any person taking "any" part in any such Union liable to punishment. I ask what is the justification or

reason for the restriction or withdrawal of this existing right. I find absolutely no rhyme or reason for this. It has been asked what is the harm? The harm is that a fundamental right of a citizen is sought to be interfered with. I would ask the honourable member who put that question what harm would arise if the rule is extended in its application to other associations such as the Bar Associations. Would he approve of such a step? No, Sir. The question is not as to what harm will be done but what justification is there for interfering with a right now enjoyed by the citizens of the State. The right of association is an elementary right of citizenship and good grounds should be shown for taking it away. Therefore, I submit that, the argument that no harm would be done by restricting the existing right would not hold good. No argument has been advanced why this right should be taken away. We do not find a similar provision in the British Indian Labour Legislation. Why should we impose a restriction which is not found in British India, upon our labouring classes? We ought to lead in extending and not restricting their rights. (*Hear, hear.*) Travancore has never taken the lead in any retrograde or reactionary legislation. Therefore I say that there is no reason for including this provision in the Bill. I think the amendment is quite in order and I support it.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): Sir, I support the amendment. The effect of registration of a Trade Union is that it gets a corporate existence. One of the beneficial results of registration is its immunity from criminal and civil liability in certain cases. No doubt there are some duties attached to the privileges conferred on these registered Trade Unions. But I do not see any reason why a Trade Union should be compelled to be registered even if it does not want any of the privileges of a registered Trade Union. You may not give any of the privileges to an unregistered Trade Union but why should it be compelled to take them even if they do not want it.

In the British Indian Act there is no provision for compulsory registration. It was said that compulsory registration is to benefit labour. Even in England, where the labour movement has advanced more than in any other country, there is no compulsory registration. In the Act of 1913 there is no provision for compulsory registration. There the Trade Union is not a creation of the statute. It existed under the common law and it still exists under it. The only difference there between the two is that the privileges of a registered Trade Union will not be given to the unregistered ones. But here we see the strange provision of compulsory registration. In British India when the similar enactment was discussed in the Legislative Assembly several of the non-official members tried to extend the immunities given to registered Trade Unions to unregistered ones. But strangely, we go the opposite way.

The main argument advanced by the honourable members who opposed the amendment is that it is more advantageous to the labourers.

[Mr. R. Sivaraman Nair.]

But I ask, Sir, who is to say that? Does not the labourer know what is best for him? Does he not know what is food and what is poison to him? Mr. S. J. Nair was reading from the labourers' only paper here, I mean the 'Thozhilali' that they do not want such a provision and that it is against their interests. Mr. Kunjukrishna Pillai was telling us that the labourers of Quilon in their annual meeting has passed a resolution that it is not to benefit them that the provision for compulsory registration is included in this Bill. Thus when the labourers say that they do not want such a provision and that it will not be beneficial to them, how can one here say "No, it is for your benefit. You do not know what is and what is not good for you". Anyhow Sir, I am not presumptuous enough to think like that. If the labourers do not want it, we shall not include it.

It was suggested here that the labourers do not know what is and what is not beneficial to them and that they are so ignorant that they may be led to any view their so called leaders choose. In short it was suggested that the views expressed in their paper and the resolution passed at Quilon need not be counted at all, for the ignorant labourers had been led to that by the writer of the article and the gentleman who presided over the meeting. Sir, I do not believe that. I do not believe that the labourers are so ignorant as to be led into anything. I do not believe that the labourers are so foolish as to be incapable of knowing what is good for them.

Sir, the Law Member said that registration will involve only little or no expense. He suggested also that there are now only a few Trade Unions and as such there will not be much hardship. Sir, this is not merely a question of expense or hardship alone. So far as the labourer is concerned it is a matter of right. Why should he be treated distinctly from others? Why should he not have the same rights and privileges as other people? If lawyers and doctors can have their own Unions without registration, why not the labourers? Why should their liberty alone be restricted? As I said before there is no such provision in British India. Are not our labourers more advanced in education and political consciousness than the labourers of British India? Then why should such a restriction be imposed here?

It was argued by some who opposed the amendment that there will be great mismanagement and misappropriation of Unions if Unions are not registered. There can be no mismanagement merely because the Union is not registered. If there are misappropriations there is the Penal Code. People who misappropriate can very well be proceeded under the Penal Code or the Criminal Procedure Code as the case may be. Can there be no case of misappropriation merely because a Union is registered? Are there not misappropriations in limited companies though there is the provision for annual audit? Are there not cases of misappropriation in the case of co-operative societies though there is the annual official audit? Sir, the argument that there will be misappropriation and mismanagement if Unions are not registered is on the face of it quite hollow.

Sir, another argument, advanced against the amendment was that if funds are left free in their hands they may squander it away. This argument is quite far fetched and untrue. They may commit mistakes but for that reason you may not tie their hands. Give them liberty. They will learn by experience.

Sir, the arguments urged against the amendment do not justify the imposition of compulsory registration on Trade Unions.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*) : I support the amendment. My friend Mr. M. L. Janardanan Pillai, at the beginning of his speech, said that Travancore is not an industrially advanced country and that attempts at legislations must be made very carefully. I stress that point in order to support this amendment. Sir, as we see, Travancore is not advanced in any industrial enterprises. We should see as many industrial organisations and labour employers' associations spring up as are possible and we should see that everything is done to the proper growth and development of industrial labour. Sir, if we adopt this provision, that is, Clause 14, it will prohibit the formation of labour associations and associations of a like nature. In this Clause it is stated that the existing Trade Unions are required only to get themselves registered after a period of three months. I ask why is that allowance given to the existing Trade Unions. Is it not necessary to give some period for labour associations which are to be formed in future? Is it not necessary that some period is allowed to them before registration? Is it not necessary to conduct these associations and to study their working and to learn whether they would continue or not? I ask, before this is done, is it fair, Sir, to compel the Unions to get themselves registered under this Regulation? I could have understood the position if a period of experiment has been given to the Trade Unions which are hereafter to be formed.

MR. K. R. ELENKATH (*Kalkulam I*) : May I know from the member whether it is the maximum period fixed?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*) : Three months period is only given to the existing Trade Unions. My submission is that at least a period of three months ought to have been given to the Trade Unions which are to be formed after the Regulation from the date of their organization to the date of registration.

MR. K. R. ELENKATH (*Kalkulam I*) : May I know from the member whether there is any objection that the existing Trade Unions should be given any time to get themselves registered?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*) : Sir, what I was saying was that some time should be allowed for the associations which are to be formed hereafter. That is to say they must have sufficient time to come to the conclusion whether they should continue by getting themselves registered under the Regulation. If that has been granted I could have understood the purpose of the Clause. Now it stands without any meaning. Then, Sir, my honourable friend Mr. K. C.

[Mr. S. Nilakanta Pillai.]

Karunakaran referred to the statement of objects of this Bill and he said that it is only permissive. Sir, I also refer to the same which is as follows :—

"The legal position of Trade Unions which do not register, whatever it is will be unaffected by this measure. In other words, the measure is purely permissive. But in view of the important privileges and immunities conferred upon registered Trade Unions by this measure and in view of the disabilities under which unregistered Trade Unions may labour, all Trade Unions will find it to their advantage to register themselves under this measure in spite of certain obligations imposed upon them by reason of such registration."

Sir, by this it is seen that certain amenities have been granted by this legislation. If that be the case, the associations which are to be formed hereafter will of their own accord undertake registration. If that is the object of the Bill, why should Clause 11 be insisted. If amenities and privileges are made as attractive as possible, all associations will voluntarily take up registration. With these words I support the amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Sir, I wish to draw the attention of the House to only one point. I do not wish to make an elaborate reply to the speeches made on my amendment. This is the definition of the word "Trade Unions" given in the Bill. "Trade Union" means "any combination, whether temporary or permanent formed primarily for the purpose of regulating the relations between workmen and employers, or between workmen and workmen or between employers and employers &c." The point that I wish to stress is that these Trade Unions can be associated for temporary purposes as well as permanent. I wish to stress the point that it may be an organisation for regulating the relation between workmen and workmen only. In Chapter III Clause 15 (*f*) it is stated as follows :—

"allowances to members or their dependants on account of death, old age, sickness accidents or unemployment of such members".

Now let us turn to Clause 30 sub-clause (1) "Whoever in contravention of the provisions of Section 14, sub-section (2) forms any Trade Union or takes any part in the functions of any Trade Union shall for every such act be punishable with a fine which may extend to five hundred rupees." Suppose a Trade Union in contravention of the provisions of Section 14, sub-section (2), takes part in a religious function or ceremony or for the purpose of giving insurance facilities or in any such objects for which the Trade Union is formed. Sir, I ask in all seriousness whether by any stretch of imagination or reason could one think of asking these associations also to get themselves registered or else to punish them? They have nothing to do with trade disputes. Even then would you ask these associations to have the necessity of going through the formalities of registration? Sir, I want to know whether this House would like to penalise such Trade Unions. That is a point to be seriously considered. I consider that, when my honourable friend Mr. K. C. Karunakaran made a speech which was being punctuated with the approval of the labour member, he made some statements which cannot be allowed to go unchallenged.

I challenge him Sir, to show any analogous enactment anywhere else in the world. Having gone through the enactments in England, I don't find any such provision there. The honourable member made a misstatement. I challenge the member to point out an analogous provision in any legislation in the world.

PRESIDENT : Order, Order.

MR. K. C. KARUNAKARAN (*Nominated*) : I never said anything about the penal clause.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Another argument which was advanced by some of the members was that all this was for the good of labour. I think that it is for labour to judge what is good for them. As a matter of fact we must also realise that labour is not so backward in Travancore as to have such compulsory protection. Another argument which was put forward by the Law Member was that in Travancore there are very few Trade Unions working. In England Sir, in the year 1871 when Trade Union Law was first enacted there were only very few Trade Unions. The Trade Union Law was enacted and Trade Unions were formed, Sir, those who say that the Bill is very beneficial to labour, really condemn the Bill, when they insist on the provision for compulsory registration. Why should there be any compulsion if the Bill is so very beneficial? Why not they leave labour organisations to their free choice? With these words, I commend my amendment for the acceptance of the House.

Sir, the point that we have to note is that even in British India, till the year 1929, we find that only 87 Trade Unions were registered. There are real difficulties for the registration of a Union, which my revered friend did not take into consideration. For certain organisations it is really difficult to go through the formalities of this registration. In the big Continent of India till the year 1929, you find that it was possible to register only 87 Trade Unions. Yet there are other Trade Unions functioning and they are a majority. These have not been destroyed because there was no compulsion. When this is the case in British India there will be greater difficulties in Travancore for registration.

I asked my friend Mr. Karayalar, whether there is any recommendation that there should be a provision for compulsory registration made by the Royal Commission on Labour. He then said that the recommendations of the Commission were scattered throughout the report and that they are not collected together in the form of recommendations That is not correct It is wrong. The recommendations of the Royal Commission on Labour on Trade Unions are not 257 to 265. These are the recommendations by the Royal Commission on Labour. Not a word is said in this connection to the effect that for the benefit of labour compulsory registration must be insisted upon. I refer the member to Appendix I, page 518, wherein he will see the recommendations regarding Trade Unions. These are the recommendations and there is nothing in favour of compulsory registration. I commend my amendment for the acceptance of the House.

The amendment was put to vote and lost.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I demand a poll.

A poll was taken and the House divided as follows:—

AYES—18.

1 Mr. N. Abdur Rahiman Sahib
2 ,, K. C. Abraham
3 ,, T. K. Alexander
4 ,, A. S. Damodaran Asan
5 ,, S. J. Nair
6 ,, Pottayil S. Krishna Panickar
7 ,, Puthupalli S. Krishna Pillai
8 ,, K. Kunjukrishna Pillai
9 ,, E. K. Kunjuraman
10 Mr. P. C. Kuriyan
11 ,, G. Nilakantan
12 ,, S. Nilakanta Pillai
13 ,, Edavanatt S. Padmanabha Menon
14 ,, Kainikkara M. Padmanabha Pillai
15 ,, Changanachery K. Paramesvaran Pillai
16 ,, R. Sivaraman Nair
17 ,, A. Thanu Pillai
18 Mr. N. E. Varughese

NOES—24.

1 Mr. S. Chattanatha Karayalar
2 ,, A. Easwara Pillai (*Kalkulam II*)
3 ,, A. Easwara Pillai (*Kottarakara*)
4 ,, K. R. Elenkath
5 ,, M. K. Janardana Kamath
6 ,, M. L. Janardhanan Pillai
7 ,, T. S. Jayantan Nambootiri
8 ,, N. John Joseph
9 ,, T. C. Joseph
10 ,, K. C. Karunakaran
11 ,, N. Kesava Panickar
12 ,, T. T. Kesavan Sastri
13 Mr. T. Krishna Pillai
14 ,, K. M. Kuriakose
15 ,, K. Mahomed
16 ,, P. S. Mahomed
17 ,, K. A. Narayana Pillai
18 ,, Pacodu A. Narayana Pillai
19 Srimati T. Narayani Amma
20 Mr. K. Padmanabhan
21 ,, R. Raman Pillai
22 ,, P. K. Thomas
23 ,, John Whiteley Tolson
24 ,, T. P. Velayudhan Pillai

NEUTRALS—25.

1 Mr. C. V. Chandrasekharan
2 ,, P. Chidambaram Pillai
3 ,, Antony George
4 ,, K. George
5 Miss Hepzhibah Gnanasikamony
6 Mr. M. Govinda Pillai
7 ,, M. Mahomed Haneef
8 ,, K. M. Krishnan
9 ,, K. P. Krishna Menon
10 ,, N. K. Krishna Pillai
11 ,, Rao Bahadur Rajyasevanirada Dr. N. Kunjan Pillai
12 ,, K. Madhava Kurup
13 ,, C. O. Madhavan
14 Mr. K. Madhavan
15 ,, M. K. Madhavan Pillai
16 ,, Rao Sahib S. Paramesvara Aiyar
17 Mr. Kayalam Paramesvaran Pillai
18 ,, R. Pitchu Aiyangar
19 ,, V. Ramakrishna Panickar
20 Rao Bahadur A. Rengaswami Aiyar
21 Mr. R. Sambasiva Aiyar
22 ,, M. Sivatanu Pillai
23 ,, S. Thiraviam Nadar
24 ,, G. B. E. Truscott
25 ,, V. K. Velappan Nair

PRESIDENT: For 18, against 34 and neutral 15. The amendment is lost.

Clause 14 was put to the vote of the House and carried.

The Clause was added to the Bill.

Clause 15.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): I move:—

"*In Clause 15, sub-clause (k), substitute the following for the present sub-clause* (k):—

"*Any other object not inconsistent with the objects laid down in the constitution of the Union*"

Sir, Clause 15 relates to the objects on which the general funds of a Trade Union may be spent. Sub-clause (*k*) says that Government have power to give some more objects to particular Unions subject to the conditions imposed by the Government. I want to take away from the Government the power to impose such conditions. I want an express provision in the Bill that funds may be utilised for any objects not inconsistent with any objects laid down in the constitution of the Union. We are not aware how and what things will weigh with the Government in imposing the conditions.

The Bill only defines the primary objects of the Trade Unions. Besides that there may be secondary objects I would have no prohibition or condition restricting any such secondary objects.

The English legislation makes no such restriction. That legislation makes it clear that a Trade Union besides its primary objects may have secondary objects. In England if a combination has, as its statutory objects other than statutory objects within the meaning of the Act, it shall not prevent the combination being a Trade Union under the Act. If that be so, why should there be a restriction here?

Suppose the members of a Union want to work for the promotion of art. They may start some group for painting and may want to promote art in the country. Another may want to establish a gymnasium for the physical culture of its members. Why should there be a restriction for such objects? Why should Government impose any conditions?

It may be said that a Trade Union in a moment of enthusiasm may spend away their whole funds. It is absolutely groundless. They may commit mistakes, but that is no reason why we should tie their hands.

I want to take away from the Government the power to notify any condition that they choose to impose.

(At this stage the Deputy President took the Chair.)

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I second the amendment. It is a very modest amendment and there is an indication in the recommendations of the Royal Commission on Labour, for enhancing the scope of the working of the Trade Unions. The Royal Commission have recommended the necessity for allowing Trade Unions the freedom to form co-operative societies and such other functions necessary for labour. I think there can be no serious objection to a change

[Mr. K. Kunjukrishna Pillai.]

of this kind. Moreover there is the safeguard that money should not be spent for any objects inconsistent with the constitution of the Union. Under these circumstances, I think that this amendment should be accepted by this House.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose this amendment. Because the English Act has been quoted, I may mention that the provision in the Bill is exactly as the Indian Act. Section 15, of the Indian Trade Union Act reads thus :—

> "The general funds of a registered Trade Union shall not be spent on other subjects than the following, namely :—
>
> (a) the payment of salaries, allowance and expenses to officers of the Trade Union" and so on.

By legislation considerable privileges are given to Trade Unions, and it is the desire of the legislature, as I conceive it, that these Trade Unions should utilise their funds for proper purposes. If they want to study music or if they want a gymnasium they are at liberty to have it, but only they should not use the general Trade Union funds for it. They can even train men for fighting, we cannot object. But if the Trade Unions should be encouraged by legislature it is the duty of the legislature to see that their funds are utilised for proper legitimate purposes. I may say that Clause (j) gives some further scope. It reads thus :—

> (j) "The payment, in furtherance of any of the objects on which the general funds of the Trade Union may be spent, of contributions to any cause intended to benefit workmen in general, provided that the expenditure in respect of such contributions in any financial year shall not at any time during that year be in excess of one-fourth of the combined total of the gross income which has up to that time accrued to the general funds of the Trade Union during that year and of the balance at the credit of those funds at the commencement of that year".

Mr. Sivaraman Nair wants to give wider scope and proposes to add objects "not inconsistent with the object". This is very wide if not vague and such a power cannot be given to Trade Unions. Probably, it may be all right in places like England where they know what is inconsistent and what is not. Here these Unions are set in the infancy stage, and we must try to educate them on proper Trade Union lines. Therefore it seems to me that the Clause as it stands is quite right. I oppose the amendment.

The amendment was puts to the vote of the House and lost.

The question that Clause 15 stand part of the Bill was then put to vote and carried.

The Clause was added to the Bill.

Clause 16.

The question that Clause 16 stand part of the Bill was put to vote and carried.

The Clause was added to the Bill.

Clause 17.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*) : I move the following amendment.

In Clause 17, sub-clause (1), lines 3 and 4, omit the words "to which a member of a Trade Union is a party."

Sir, this Clause is the only beneficial provision in the whole Bill. It gives immunity to the actions of the Trade Unions or its agents or its members under certain circumstances. Under the Clause as it stands, if any act is done in furtherance of a trade dispute that will be immune. The immunity will extend also to a case where a member of a Trade Union is involved in a trade dispute It will not entitle members or officers of other Trade Unions to take part in the trade dispute and they will have no immunity. By my amendment I propose to include others also. Sir, labour as we know can succeed only if they stand united. Many of the labourers are without money and influence. They have not got sufficient strength to fight against big capitalists. If they want to win their case it will only be by means of Unions. The members and officers of a Trade Union will be able to act on behalf of the Trade Union and immunity against civil action will be given only to those persons. Suppose there are two Trade Unions in the same mill where two hundred coolies are working. If there is a trade dispute between one of the Trade Unions and the employer, the other Trade Union will not be able to take part in that act and no immunity will extend to those persons. Sir, we know that, as a matter of fact, the conditions of labour in one factory will be dependent very much upon the conditions of labour in another factory. The conditions of labour at Quilon will depend upon the conditions of labour at Alleppey. Suppose the wages of labourers in one mill in one place are reduced. Naturally the owner of the neighbouring mill will also reduce the wages in his mill.

MR. M. L. JANARDANAN PILLAI (*Co-opted*) : If both the mills at both the places reduce the wages at the same time what will be the position ?

MR. R. SIVARAMAN NAIR (*Tiruvalla II*) : If both the mills in both the places reduce the wages, surely all can join. In that case there will be immunity to both the Trade Unions. But if there is only a dispute in one particular mill and the officer of another Union comes and joins it he will be liable. Immunity will not be extended to such people. I want that the immunity should be extended to such persons. Sir, it is vitally necessary for the promotion of Trade Unionism that all Trade Unions must co-operate with each other. If the Trade Unions are shut up in water tight compartments they will not be able to exert that influence which we want them to exert. Hence there must be sufficient provision to allow all their Unions to co-operate with one another in their trade disputs. Hence my amendment.

MR. P. S. MAHOMED (*Co-opted*) : I second it.

MR. M. L. JANARDANAN PILLAI (*Co-opted*) : I oppose it. In my humble opinion this is a very mischievous principle. Immunity is provided for workmen who do certain acts in furtherance of a trade dispute to which a member of a Trade Union is a party. The acceptance

[Mr. M. L. Janardhan Pillai.]

of the present amendment will mean that if there are two Trade Unions in a place and one Trade Union alone has got a legitimate grievance against an employer, the other Trade Union which has no such grievance can also join it and yet will be free from the consequences of such a combination. The framers of this Bill deliberately and carefully provided against such a contingency. I can understand one Trade Union having a complaint trying to get that remedied. But it is against all accepted canons of Trade Union principles that another Trade Union which has no grievance should join the other Trade Union in its dispute. I therefore oppose the amendment strongly.

MR. PUTHUPALLY S. KRISHNA PILLAI (*Quilon II*): Sir, I beg to support the amendment. In doing so I have to point out a very serious incongruity which would otherwise be contained in the enactment. No doubt, this provision as it stands has a virtue of its own, in that it is the same as the one found in the British Indian enactment. We have got the authority of British India for the continuance of this provision. Now, Sir, Trade Unions were claiming privileges for helping other Trade Unions in the cause of labour. For instance where a strike or walk-out is organised in one place, it is open to Trade Unions in other places to contribute funds or to help it in other ways. This House by enacting Clause 15 (*j*) has to some extent conceded this privilege. The privilege of interfering or helping other Trade Unions in other places has to some extent been recognised. If workmen in one locality find it necessary to help workmen in some other locality with funds, then the workmen in the former locality can contribute funds which will enable the latter to carry on the strike or to continue the agitation whenever a dispute takes place between the employer and the employed. When the strike commences the labourers may be without money. They will have to get funds from elsewhere. For that purpose, after considerable fight in the Indian Legislative Assembly, this provision was inserted. In the Assembly the fight was for greater power but the Assembly gave only a limited power. Under Clause 15 (*j*) one Trade Union is entitled to contribute funds to another Trade Union which is carrying on a strike, even though that Trade Union has absolutely nothing in common with the fight carried on by the other Trade Union. The only common link between these Trade Unions is that they exist for the preservation and maintenance of the rights and privileges of labour. The problems affecting these two institutions may be different. Nevertheless, as both these institutions exist for an identical purpose, the Clause allows for one-fourth of the gross income being contributed in the furtherance of labour. If that is allowed then immunity must be given to those Trade Unions even though they contribute only funds. If immunity is not granted then, it will mean that although a Trade Union can exercise all the powers conferred upon it under Clause 15, sub-clauses (*a*) to (*i*), it cannot exercise the power conferred under sub-clause (*j*) because if it contributes funds and creates trouble, it will not get immunity. Clause 17 (1) says that "no suit or other legal proceeding shall be maintainable in any civil court against any registered Trade Union or any officer or member thereof in respect of any act done

in contemplation or furtherance of a trade dispute to which a member of the Trade Union is a party." Immunity is granted only if an act is done in contemplation or furtherance of a trade dispute *to which a member of the Trade Union is a party*. That is a condition precedent for granting exemption. Now we are conferring powers upon Tsrade Unions and allowing them to spend money on other Trade Union for certain purposes. Then you must also enact the limits within which that may be done. Otherwise it will lead to an anomaly. This Clause does not appear to have been noticed at the time it was passed in British India. Now, my submission is that when you confer certain powers and privileges and legalise certain activities, then immunity will have to be given not only to a few but to the whole of the activities. Otherwise they will not be sufficiently protected. "Any act done" is what is protected. Contribution of funds to some other Unions is an act. You need not harangue the employers, but you can make a substantial money contribution. That is an act done. If no member of this Trade Union is a party to that dispute, what will follow? You do not get any exemption. You will be liable for having induced persons to activities in restraint of trade, business or employment. You will be liable for having interfered with the rights of some other person. My view is that Clause 15 (*j*) is inadequate. Clause 15 (*j*) read with Clause 17 (1) leads to an inconsistency. I cannot think that the legislature at any time thought that such an act should not be penalised. I therefore support this amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon-I*): I rise to support the amendment which contains a very sound principle which will be recognised by everybody. The amendment recognises the fact that has been now well-acknowledged throughout the world, namely, that labour organisations of all kinds should stand united and should have facilities for common action. When this matter was discussed in the Legislative Assembly, Sir R. K. Shanmukham Chetti who was then a member, gave a homely example in support of the facilities for giving the right of helping other Trade Uinons. He said that if you find your neighbour's house on fire you should not be compelled to keep quiet. You must have the right of extinguishing that fire not merely for the purpose of helping your neighbour but also in your own interests. The same principle will apply in the case of Trade Unions as well. If they do not act conjointly for the purpose of establishing their rights very little headway can be made in the cause of labour. If Trade Unionism and labour rights have been recognised in the world at present it is because of this facility. We find that there cannot be anything common between labour organisations in Britain and India. Yet they help each other and sympathise in each others difficulties. You find as a matter of fact that for every one of the activities for the furtherance of labour movement, sympathy is extended by other countries and the movement is fostered. Such a freedom for the purpose of conserving the interests of a particular section of society is only a natural and elementary right that is sought for. And this amendment seeks nothing more than that. If you recognise the principle that labour all over is one and united, then this amendment should be accepted.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I oppose the amendment. First of all let me express my thanks to Mr. Knujukrishna Pillai for referring to the Indian Legislative Assembly in which, although a certain member tried for such an amendment, he did not succeed.

MR. A. THANU PILLAI (*Trivandrum—Rual*) : Since the member is thanking Mr. Kunjukrishna Pillai, is he supporting the amendment?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I am thanking him because he drew the attention of this House to the proceedings of the Indian Legislative Assembly which vetoed such an amendment. The Indian Legislative Assembly knows its business very well, and it rejected that amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Sir, is not the statement 'that the Indian Legislative Assembly knows its business' an aspersion on this Assembly?

DEPUTY PRESIDENT : If anybody says that A is an intelligent man, it does not mean that B is a fool. I think the words used by the Law Member are parliamentary.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, after saying that the Indian Assembly knows its business I was going to say that this House also knows its business and would therefore similarly reject the amendment.

Let me thank Mr. Puthupalli Krishna Pillai also for trying to point out that there is some incongruity or anomaly between this provision and Clause 15 (*j*). I wish however to tell the House that there is no such anomaly or incongruity. A careful perusal of Clause 17 will show that it refers to certain acts which ordinarily are offences or wrongs, such as an act that induces another person to break a contract of employment or again an interference with the business or trade of some other person. Clause 17 aims at permitting such acts. Now the amendment seeks to extend the protection. What the House has to consider is why should this protection be extended. The first condition to make an act not penal is that it must be in furtherance of some object of the Trade Union. Clause 15 (*j*) says that a Trade Union shall not contribute more than one-fourth of its income to certain purposes. Now what Clause 17 refers to does not refer to that but refers to two acts which would be offences. Contribution of funds is not an offence. Therefore there is no inconsistency between the two Clauses. The one deals with two acts which are offences and the other deals with what are not offences.

Clause 17 seeks to protect a person who does certain acts. The reason for this protection is that it is one of the privileges conferred on registrered Trade Unions. The question is why should this protection be extended to a person who does what is otherwise an illegal act, not for his own purpose but for another man's purpose.

DEPUTY PRESIDENT: The question before the House is—

In Clauses 17, sub-clause (1), lines 3 and 4, omit the words "to which a member of a Trade Union is a party".

The amendment was put to the vote of the House and lost.

The question that Clause 17 stand part of the Bill was then put to vote and carried.

The Clause was added to the Bill.

Clauses 18, 19 and 20.

The question that Clauses 18, 19 and 20 do stand part of the Bill was then put to vote and carried.

The Clauses were added to the Bill.

Clause 21.

MR. M. L. JANARDANAN PILLAI (*Co-opted*): I move the following amendment:—

In Clause 21, line 1, for the word "two-thirds" substitute the word "three-fourths".

Sir, this is the mandate I have from the Chamber of Commerce.

"As regards the percentage of non-members on the executive, Section 21 provides that not less than one—half of the Officers of every registered Trade Union should be persons actually engaged or employed in an industry with which the Trade Union is connected. Although this is the provision in the Indian Trade Unions Act also, considering the circumstances in Travancore, and the possibility of misusing the Trade Unions for political propaganda, we think that not less than 75 per cent of the total number of Officers should be persons actually employed in an industry with which a Trade Union is connected."

That is why I have moved this amendment. Earlier in the day the honourable member Mr. Kottur Kunjukrishna Pillai said that labour in Travancore is not so backward as to be guided by any outsider. That is exactly my position too. Labour in Travancore knows its interests very well. It has been sufficiently outspoken and noisy. It has its own organisation. This Bill provides to give them all the facilities that are required in furtherance of the cause they have at heart. If that is so, I cannot understand why three-fourths of the officers of the movement should not be their own people. I object to any outsider taking part in the working of Trade Unions. But there is a general feeling that after all some outsiders may be allowed to pilot the affairs of labourers in the early stages of their working. If the outsiders that come in are really useful and good people and if they really take care of the interests of labour it does not matter what the proportion is. One good leader helping and guiding a Trade Union is sufficient to help the labourers. But are there really useful people? No. They come there to serve their own ends, to use the Unions for their own purposes. Any number of leaders may come in and work for labourers and yet may not produce sufficient beneficial results. As I said, one good leader is good enough to better the movement. But in actual practice good leaders are not coming forward. There is no meaning merely in increasing the number of outsiders.

[Mr. M. L. Janardanan Pillai.]

After all, Sir, the position appears to me to be this. The labourer may have his own grievances. He may have differences of opinion with his employer. It will be easier for the employers and labourers to come to an understanding between themselves. Each one will be able to understand the other's difficulties and there would be the spirit of give and take. All the world over whether it is in Trade Unions or in other walks of life or in political agitations, it is found that it is always the outsider who has no interest at stake that comes in and creates all unnecessary trouble. Even when there is an honest effort on the part of an employer and employee to effect a compromise, the outsider interferes in the matter and upsets the whole arrangement. All that is due to the fact that it is not a paying proposition to the outsider to get things amicably settled. The longer the dispute is carried on, the better it is for the outsider who is neither a labourer nor an employer. I will support my position by reading out a relevant passage from Whitley Commission Report:

Page 328.

"A few of these (leaders) have interested themselves in the movement in order to secure private and personal ends".

DEPUTY PRESIDENT: Will the member please read that once more? There a statement is made that *some* of them have interested themselves——

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is it open to the honourable member to read a portion of the passage and misrepresent facts?

DEPUTY PESIDENT: I cannot ask the member to read out the passage that the other members want.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Is it fair and proper to read out part of a sentence and make the House understand in a different way? Will the member please read the next sentence below that?

DEPUTY PRESIDENT: The member is quite within his rights to read out passages relevant for his purpose.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): But, is it fair I ask—

DEPUTY PRESIDENT: If he refuses to read any particular passage—

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): But can the member give a wrong impression to the House? Is it fair I ask?

DEPUTY PRESIDENT: The House has to take its chances. It is open to the member to read or not.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*); Is it fair, Sir?

DEPUTY PRESIDENT: I do not think it is necessary for me to express an opinion on that. But a member is entitled to read a particular passage to support his view.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : On a point of order. Can the member read a passage which the other members do not want and yet draw an adverse inference ?

DEPUTY PRESIDENT : It is no point of order.

MR. M. L. JANARDANAN PILLAI (*Co-opted*) : At the same time, as many of the present leaders would be the first to recognise, the man drawn from outside the world of labour is handicapped in more than one direction. He has seldom a complete knowledge of the technical details of the industry to which his work is related, and cannot hope to meet the employer on equal terms in this respect.

Therefore, I say, when there are sufficient safeguards for the interests of labour, when a labourer feels aggrieved and the employer finds a chance of compromising the trouble, my practical experience is that the outsider comes in and interferes and sees that the employee is kept away from the employer. The outsider makes matters so hard for these two sets of people that to arrive at an amicable understanding is an impossibility. It is therefore that I move this amendment.

One more point and I have done. Mr. Kunjukrishna Pillai said that labour in Travancore is not backward as not to know its real interests. When this Bill was taken up, representatives of labour wrote leading articles in the newspapers and distributed them even among members. The labour representative is here. He is watching the progress of this Bill. He is doing all that is needed to safeguard the interests of labour.

DEPUTY PRESIDENT : Where is the representative ?

MR. M. L. JANARDANAN PILLAI (*Co-opted*) : In the gallery, Sir.

DEPUTY PRESIDENT : We are not concerned with persons in the gallery.

MR. M. L. JANARDANAN PILLAI (*Co-opted*) : Apart from that, Travancore labour is well represented in the existing Trade Unions of the country. A Union though not registered under any Regulation, has its own newspaper, has as its members a number of men who are well educated, who as I said on a former occasion can compose excellent poetry in Malayalam and even deliver lectures—if such a Union can take care of itself, why not keep it out of the clutches of outsiders and thus see that no unnecessary trouble is caused to the organisation itself, and that no trouble is created between the employer and the employee. With these words I commend my amendment for the consideration of this House.

MR. K. C. KARUNAKARAN (*Nominated*) : I support the amendment.

MR. P. S. MAHOMED (*Co-opted*) : ഇന്നത്തെ തൊഴിലാളികൾ മി. ജനാർദ്ദനൻപിള്ള പറഞ്ഞതുപോലെ ഒരു നല്ല നിലയിൽ എത്തീട്ടുണ്ടെന്നു ഞാൻ വിചാരിക്കുന്നില്ല. തൊഴിലാളികളുടെമേൽ മുതലാളിമാർക്ക് വേണ്ടിടത്തോളം സ്വാധീനശക്തിയുണ്ട്. തൊഴിലാളികൾക്ക്

[Mr. P. S. Mahomed.]

അവരെസംബന്ധിച്ച പല സംഗതികളും മുതലാളിമാരോട് പറയാനുണ്ടെങ്കിലും അതിനുള്ള ധൈര്യം ഇന്ന് അവക്കില്ല. റായൽ കമ്മീഷൻ റിപ്പോർട്ടിലെ ചില ഭാഗങ്ങൾ മി. ജനാർദ്ദനൻപിള്ള ഇവിടെ വായിച്ചു കേൾപ്പിച്ചു. അതു് അവിടവിടെയുള്ള ചില ഭാഗങ്ങളാണ്. വായിച്ചു കേൾപ്പിച്ച ഭാഗത്തിന് അടുത്തു് വേറെ വിധത്തിലാണ് പറഞ്ഞിരിക്കുന്നതു്.

MR. P. C. KURIYAN (*Kottayam I*) : മി. ജനാർദ്ദനൻപിള്ള അവതരിപ്പിച്ച ഭേദഗതിയിൽ ഔട്ട് സൈഡേർസ് ആരും ഇല്ലെന്നുണ്ടോ?

MR. P. S. MAHOMED (*Co-opted*) : മി. ജനാർദ്ദനൻപിള്ള പറഞ്ഞ ആർഗിമെൻറിനു മറുപടി പറഞ്ഞിട്ടു അതിനെപ്പററി പറയാം.

ഔട്ട്സൈഡേർസ് എന്ന നിലയിൽ കുറെപേർ ഉണ്ടായിരിക്കണമെന്നാണു റിപ്പോർട്ടിൽ പറഞ്ഞിരിക്കുന്നതു്. എത്ര വേണമെന്നുള്ളതിനെപ്പററിയാണ് പിന്നീട് ആലോചിക്കേണ്ടതു്. മി. ജനാർദ്ദനൻപിള്ളയുടെ ഭേദഗതിപ്രകാരം തൊഴിലാളികൾ ൩/൪ വേണമെന്നാണ്. വിററിലിക്കമ്മീഷൻ റിപ്പോർട്ടിൽ ൨/൩ ഭാഗം വേണമെന്നു പറയുന്നു.

DEPUTY PRESIDENT: The House will now adjourn to meet again on Monday at 11 o'clock.

The House adjourned at 5-2 P. M.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Mulam Assembly.

THE TRAVANCORE SRI MULAM ASSEMBLY.

(*OFFICIAL REPORT.*)

FIRST ASSEMBLY.

NINTH SESSION.

Monday, the 23rd November 1936/8th Vrischikam 1112.

The Assembly met again in the Victoria Jubilee Town Hall at Eleven of the Clock, with the President in the Chair.

QUESTIONS AND ANSWERS.

Police Out-post at Vamanapuram.

83. *MR. S. J. NAIR (*Nedumangad*): Will the Government be pleased to state:

(*a*) the area and population of the Vamanapuram, Nellanadu and Pullampara *pakuthies* in the Nedumangad taluk;

(*b*) how many crimes were registered in the Nedumangad Police Station, that occurred in the jurisdiction of the above Police Station in 1108, 1109, 1110 and up to the end of Kumbham 1111 M. E.;

(*c*) how many of the above crimes registered are for offences that tookplace in the Vamanapuram, Nellanadu and Pullampara *pakuthies*;

(*d*) how many private complaints have been filed in the Nedumangad Magistrate's Court in 1108, 1109, 1110 and up to the end of Kumbham 1111 M. E.; and

(*e*) how many of them are the cases of the Vamanapuram, Nellanadu and Pullampara *pakuthies*?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*):

		Area.	Population.
(a)	Vamanapuram	29.71 sq. miles	14,001
	Nellanadu	7.12 Do.	6,638
	Pullampara	13.74 Do.	7,278

(b)	1108	1109	1110	1111 (up to Kumbham 1111)
	77	84	82	58

(c)	1108	1109	1110	1111 (up to the end of Kumbham 1111.)
Vamanapuram	9	9	8	6
Nellanadu	4	4	8	2
Pullampara	2	1	1	1

G. P. T. 1895--350.

[Mr. R. Pitchu Aiyangar.]

(*d*) 1108	1109	1110	1111	(up to the end of Kumbham 1111)
315	318	197	99	

(*e*)	1108	1109	1110	1111 (up to the end of Kumbham 1111).
Vamanapuram	22	24	15	11
Nellanadu	8	10	9	2
Pullampara	14	14	10	3

MR. S. J. NAIR (*Nedumangad*): In view of the number of cases given in the answer, may I know the reason for not converting the out-post at Vamanapuram into a charging station?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): There are not many cases justifying the conversion of the out-post into a charging station.

The Karipoor trace.

84. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) the whole distance of the Karipoor trace;

(*b*) how many sections there are for the above trace;

(*c*) how many miles were converted into a cart-road;

(*d*) the work of what section of the trace is completed;

(*e*) when it was completed;

(*f*) whether there is a small bridge or a big culvert very near the existing bridge in the road;

(*g*) whether there is maintenance allotment for the completed portion of the trace;

(*h*) what is the amount per mile;

(*i*) whether the road is being maintained; and

(*j*) whether they are aware that the small bridge or big culvert is in a dangerous condition?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) 3½ miles.

(*b*) 2 sections.

(*c*) 1½ miles.

(*d*) 1st section.

(*e*) In 1110.

(*f*) A small temporary bridge.

(*g*) Yes.

(*h*) Rs. 20.

(*i*) Yes.

(*j*) It is decayed.

MR. S. J. NAIR (*Nedumangad*): With reference to answer to part (*f*) may I know why a permanent bridge was not constructed when the road was completed?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): For want of funds.

MR. S. J. NAIR (*Nedumangad*): May I know whether an estimate was prepared for the construction of the bridge at the time when the work of the road was begun?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The road was constructed under a separate estimate Sanction has been given for the construction of the bridge and we are awaiting allotment of funds.

MR. S. J. NAIR (*Nedumangad*): May I know the reasonfor not getting sanction for the bridge also when the sanction for the road was obtained?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings, and Irrigation*): It was considered that the road should be improved first and the bridge built afterwards.

MR. S. J. NAIR (*Nedumangad*): May I know whether the temporary bridge exists there at present?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigaton*): No.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Government are aware that due to the absence of at least a temporary bridge there, the passengers are put to serious difficulties?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*); It is quite possible.

MR. S. J. NAIR (*Nedumangad*): May I know whether there is any proposal at present for the construction of the bridge?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): As I have said Government have sanctioned an estimate or the construction of the bridge. It is awaiting allotment of funds.

Fragmentation of agricultural holdings.

85. ***MR. T. KRISHNA PILLAI** (*Neyyattinkara II*): Will the Government be pleased to state:

(*a*) whether they are aware that minute sub-division of agricultural holdings since the passing of the Nair and Ezhava Regulations have adversely affected paddy cultivation in the State; and

(*b*) if so, whether they considered the desirability of taking action to prevent this sort of fragmentation of holdings?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

(*a*) The answer is in the negative.

(*b*) In view of the answer to part (*a*) this does not arise.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know whether the Government are aware that minute sub-division of agricultural holdings of Nayar and Ezhava communities has led to fragmentation of agricultural holdings?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Yes, Sir.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know whether the fragmentation of holdings will affect the agricultural industry in the State?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): There is no information that any paddy land has been left without cultivation.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know whether the Government are aware that the quantity of rice imported into the State has been steadily mounting up from 1110 onwards?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I have not got the figures with me now to give a specific answer to it.

MR. S. J. NAIR (*Nedumangad*): May I know from Government whether they are aware that as a result of the fragmentation of holdings people have begun to convert paddy lands into garden lands?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): That process has been going on for a very long time, even before the enactment of the Nayar and Ezhava Regulations.

MR. S. J. NAIR (*Nedumangad*): May I know what steps Government have taken to prevent the conversion of paddy lands into garden lands?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): That is a matter which involves an important question of policy whether an uneconomical holding should not be converted into an economical holding.

Change of kist month.

86. ***MR. A. S. DAMODARAN ASAN** (*Mavelikara*): Will the Government be pleased to state:

(*a*) whether the question of changing the date for payment of tax for Medappu Punja lands from 15th Edavam to 15th Mithunam has been considered by the Government after the last Budget Session of the Assembly; and

(*b*) if the answer to part (*a*) is in the negative, whether any action has been taken after the last Budget Session at which the Land Revenue and Income Tax Commissioner promised to consider the question?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

(*a*) and (*b*). The matter is under consideration.

Appointment of District and Second Judges.

87. ***MR. K. M. KRISHNAN** (*Ambalapuzha II*): Will the Government be pleased to state:

(*a*) whether there are any applicants at present (Mithunam 1111) from Ezhavas for appointment as District Judge and Second Judge; and

(*b*) if so, how many?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) Yes.

(*b*) Four.

MR. K. M. KRISHNAN (*Ambalapuzha II*): With reference to part (*b*) may I know the names of the four persons?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): It is not usual to give names.

PRESIDENT: It is not in the interest of the applicants that their names should be canvassed in this House.

Appointment of District Munsiffs.

88. *MR. K. M. KRISHNAN (*Ambalapuzha II*): Will the Government be pleased to state:

(*a*) whether they are aware that the High Court has been adopting a communal rotation for the appointment of District Munsiffs from the Bar;

(*b*) if so, when it was first introduced; and

(*c*) to which community the next chance falls if the communal rotation is retained?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) Yes.

(*b*) 1105 M. E.

(*c*) Ezhava.

Excise Revenue in Muvattupuzha Taluk.

89. *MR. K. M. KURIAKOSE (*Muvattupuzha II*): Will the Government be pleased to state:

(*a*) the amount of arrears of Excise Revenue to be collected from Muvattupuzha taluk, under Abkari at the close of 1111;

(*b*) the amount of arrears realised in the years 1109, 1110, 1111 in Muvattupuzha taluk, under Abkari by the Revenue Department;

(*c*) what is the minimum standard of financial stability that is required of a toddy shop contractor;

(*d*) who certifies to the stability of the toddy shop contractor; and

(*e*) what are the essential qualifications required of a toddy shop contractor?

MR. C. O. MADHAVAN (*Excise Commissioner*) (*a*) S. Rs. 94,417-16-6.

(*b*) The amounts collected were as follows:—

	Rs.	Ch.	C.
1109	53	1	8
1110	3,215	20	6
1111	838	24	8

(*c*) There is no minimum standard of financial stability fixed for an abkari contractor.

(*d*) The Proverthicars.

(*e*) The qualification prescribed for an abkari contractor is that he should not be subject to any of the disqualifications enumerated in Clause 4 of the sale notification.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): With reference to part (*a*) may I know when and how these arrears accumulated?

MR. C. O. MADHAVAN (*Excise Commissioner*): The bulk of the arrears accumulated during the biennial contract 1106 and 1107.

PRESIDENT: Will the honourable member please raise his voice a little louder?

MR. C. O. MADHAVAN (*Excise Commissioner*); The bulk of the arrears accumulated during the contract for the years 1106 and 1107.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): My question as to how it accumulated is not answered.

MR. C O. MADHAVAN (*Excise Commissioner*): In 1105, before the commencement of the economic depression, the shops were disposed of for very high rentals. Most of the contractors defaulted. Therefore the shops had to be reauctioned for lower rentals and the loss by resale is now sought to be recovered as arrears of revenue.

MR. K. M. KURIAKOSE (*Muvattupuzha II*); May I know whether any concessions were given to those contractors?

MR. C. O. MADHAVAN (*Excise Commissioner*); For those who conducted the shops without default concessions were granted during both the years.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know the reason for the abnormal fall in collection during the years 1107, 1108 and 1109?

MR. C. O. MADHAVAN (*Excise Commissioner*): It was possible to collect only so much. Proceedings are in various stages of progress for the collection of arrears.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether the Government have considered the necessity of giving help to these contractors in view of the economic depression?

MR. C. O. MADHAVAN (*Excise Commissioner*): Help was given to deserving contractors. The other question has not been considered.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether the Government have considered the necessity of writing off any of these amounts?

MR. C. O. MADHAVAN (*Excise Commissioner*): If anything is found to be irrecoverable that will be written off.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): With reference to answer to part (*c*) it is stated that "there is no minimum standard of financial stability fixed for an abkari contractor" and with reference to part (*d*) it is stated that it is Proverthicars who certify to the stability of the toddy shop contractor. I wish to know on what basis they make the recommendations.

MR. C. O. MADHAVAN (*Excise Commissioner*): On the tax paying capacity which would show how much property they hold.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether the fact that a small amount is due to the Government from these contractors indicate that they are not stable?

MR. C. O. MADHAVAN (*Excise Commissioner*): In most cases their properties are found to be heavily encumbered.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether the Government have ascertained whether the contractors are solvent to realise the arrears due to Government?

MR. C. O. MADHAVAN (*Excise Commissioner*): Even before the contract is given the solvency of the contractors is ascertained through the Prover thicars.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether the defaulting shop contractors were admitted to take part in the auction for the years 1109 and 1110?

MR. C. O. MADHAVAN (*Excise Commissioner*): There is an express provision that no defaulter will be admitted to the auction hall.

Misappropriation of Money by Official Receivers.

90. * **MR. S. J. NAIR** (*Nedumangad*): With reference to the answers given to question No. 14 of the 8th Session of the 1st Assembly on the 28th July 1936, and also with reference to the specific answer given to part (*k*) of the question, that the Government have ordered that the loss sustained should be recovered from the Official Receiver concerned, will the Government be pleased to state :

(*a*) what action has been taken by them to recover the amount from the Official Receiver concerned ;

(*b*) who is the Official Receiver ;

(*c*) what is he now ;

(*d*) whether the whole amount has actually been recovered ;

(*e*) if the answer to part (*d*) is in the affirmative, when and how was it recovered ;

(*f*) if the answer to part (*d*) is in the negative, why the amount has not yet been recovered ; and

(*g*) with reference to answer to part (*j*) of the question that the Official Receiver reported that he had not received any rent, whether the Trivandrum District Court, under which he was the Official Receiver has enquired into the veracity of the report?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*), (*b*) and (*c*). As a result of a representation put in by Mr. N. Raghava Aiyar, M. A., M. L., who was the then Official Receiver and who is now the District Munsiff at Quilon, the High Court have been requested to have an enquiry conducted so as to fix the responsibility for the amount in question on the person concerned.

(*d*), (*e*), (*f*) and (*g*). In view of answer to (*a*), (*b*) and (*c*) these do not arise.

MR. S. J. NAIR (*Nedumangad*): With reference to answer to part (*c*) it was answered "............the Government have ordered that the loss sustained should be recovered from the Official Receiver concerned" and the present answer is ".........the High Court have been requested to have an enquiry conducted so as to fix the responsibility for the amount in question on the person concerned." May I know from Government how they had come to the conclusion on a former occasion that the Official Receiver should deposit the amount?

RAO BAHADUR RAJYASEANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): On the basis of the records then available.

MR. S. J. NAIR (*Nedumangad*): May I know the reason why the Government have revised their former order and ordered the High Court to make the necessary investigation and put the responsibility upon them?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Because of a representation put in by the officer concerned for a revision of the order.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Account Officer has audited the accounts in the District Court with reference to the Official Receiver's records?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes, I think so.

MR. S J. NAIR (*Nedumangad*): May I know whether he has found out any misappropriation so far as the Official Receiver's accounts are concerned?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): It was found that the rent for a certain period was not collected.

MR. S. J. NAIR (*Nedumangad*): May I know who is responsible for the assets of the party after it is taken possession of by the Receiver?

RAO BAHADUR RAJYASEVANIRATA DR N. KUNJAN PILLAI (*Chief Secretary to Government*): The Official Receiver.

MR. S. J. NAIR (*Nedumangad*): May I know why in the present case the Official Receiver was not ordered to deposit the amount that he has appropriated?

RAO BAHADUR RAJYASEVANIRATA DR N. KUNJAN PILLAI (*Chief Secretary to Government*): He has put in a representation to say that he has not misappropriated the amount and that the responsibility rests with somebody else. On that representation Government have ordered a fresh enquiry.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know to what year this misappropriation relates?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I believe it relates to 1099.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know the reason for the delay in disposing of the matter?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The Account Officer inspected the account and found out that the amount was not collected. The explanation of the Official Receiver was called for, and the District Judge enquired into the matter and reported to Government. On the basis of the District Judge's report Government ordered that the amount should be recovered from the Official Receiver. Then the Official Receiver put in a representation saying that he was not responsible for the money. The High Court was therefore asked to conduct a fresh enquiry.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know when the District Judge submitted his report?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Some two or three years ago. I am not able to give the exact date now.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Official Receiver has admitted before the District Judge at any time that he wants time to deposit the amount?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I claim notice. I have no information.

MR. A. EASWARA PILLAI (*Kalkulam II*): May I know the amount of the money misappropriated?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Rs. 210.

Election of Members to the Legislature.

91. *MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state when is the date fixed for the coming elections to the Legislative Bodies?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The date has not yet been fixed.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Government will be pleased to fix the date of election in the summer season instead of winter?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): As far as possible convenient dates will be fixed.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether he is aware that by the 1?th of Medom the winter season begins in Malabar?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): As far as I know there is no winter season in Malabar.

The Attingal Municipality.

92. *MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) how long since the official President has been appointed to the Attingal Municipality;

(*b*) for how many years the Municipality exercised the right of electing non-official Presidents;

(*c*) how many non-official Presidents have been successively elected in the Municipality; and

(*d*) when was the non-official President superseded by the official President?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) From the 9th Meenam 1102.

(*b*) 5 years.

(*c*) 3.

(*d*) On the 9th Meenom 1102.

MR. S. J. NAIR (*Nedumangad*): May I know why the Municipality at Attingal is not given the privilege of electing a non-official President?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): It was found some years ago that there were serious irregularities in the management of the Municipality and so Government decided to appoint an official President. Now most of the irregularities have been removed and the question whether the Municipality should be given the right of electing a non-official President is under the consideration of Government.

Non-Departmental Anchal Office.

93. * **MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) whether the Anchal Superintendent has received any representation from the representative of the public regarding the opening of a Non-Departmental Anchal Office at Puliyur; and

(*b*) the action taken on the same?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (*a*) Yes.

(*b*) The representative (referred to in (*a*)) was told that an office could be opened at Puliyur, if the people of the place were prepared to deposit a sum of Rs. (150) one hundred and fifty as guarantee against loss to Government and to provide building and furniture rent free, for holding the office.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the Government the date on which the Government or the Anchal Superintendent sent the letter to the representative of the public?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): On 22-10-1111. The Anchal Superintendent wrote to the representative.

Pallikal Anchal Office.

94. * **MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) whether there is any Anchal Office at Pallikal in Chirayinkil taluk;

(*b*) whether there was any Anchal Office there;

(*c*) when the Anchal Office there was abolished;

(*d*) whether the people of the locality have petitioned several times for the establishment of an Anchal Office there; and

(*e*) what action the Government have taken to establish an Anchal Office there?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (*a*) No.

(*b*) Yes.

(*c*) On 1-9-1100.

(*d*) Yes.

(*e*) Steps were not taken for opening an Anchal Office, as no one from the place was willing to deposit the necessary guarantee and provide building and furniture, rent free, for holding the office.

MR. S. J. NAIR (*Nedumangad*): May I know where the Anchal Office was located at Pallikal on a former occasion?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): It was at Pallikal itself. The place is also called Madavur.

MR. S. J. NAIR (*Nedumangad*): May I know whether it was in a Government building or in a rented building?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): It was in a Government building.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Anchal Office could not be held in the same building where it was held formerly?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The difficulty is not about the building. The fact is that nobody has yet come forward with the guarantee.

MR. S. J. NAIR (*Nedumangad*): May I know what must be the nature of the guarantee for an Anchal Office?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): An amount of Rs. 250 must be deposited for the pay of the master and runner; and a building with furniture, free of rent, should ordinarily be provided.

MR. S. J. NAIR (*Nedumangad*): May I know whether all Anchal Offices are held on the guarantee of the public?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Yes, all new non-departmental Anchal Offices. But in this particular case, the Conservator of Forests has agreed to provide a room from the Guard Station.

Cattle Census.

95. ***MR. K. M. KRISHNAN** (*Ambalapuzha II*): Will the Government be pleased to state whether any census of the cattle in the State has been taken till now?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Yes.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know the date on which the census was taken?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): One in 1930 and the other in 1935.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know the number of cattle?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Cattle includes goats, sheep etc. That is a big list.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know the total number of cattle?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): No, Sir, you cannot add together cows, buffaloes, sheep and all other different kinds of animals.

PRESIDENT: I take it that the official member would have no objection to placing the statement on the table.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): No, Sir.

Newly started Schools

96. *MR KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*) Will the Government be pleased to place on the table a statement showing the English High Schools, English Middle Schools and Vernacular High Schools newly started this school year (1936-1937) with the names of the Managers or Managements to whom the Schools belong?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): The statement* is laid on the table.

Road from Nilakkamukkoo to Kayikkara landing.

97. *MR. K. PADMANABHAN (*Chirayinkil I*): Will the Government be pleased to state:

(a) the date on which the Government received the last petition from the people of Vakkom, Chirayinkil taluk, praying for the opening of a road from Nilakkamukkoo to Kayikkara landing; and

(b) what action has been taken on the matter?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (a) 23rd April 1936.

(b) The Land Revenue and Income Tax Commissioner has been asked to arrange for written statements being taken from the land owners agreeing to surrender 22 ft. width of land free of compensation.

MR. K. PADMANABHAN (*Chirayinkil I*); May I know from Government the earliest date on which the first petition was received?

MR G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): In the year 1927.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know the length of that road?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): One mile and 6 furlongs.

MR. K. PADMANABHAN (*Chirayinkil I*): The amount estimated for the construction?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): About Rs. 6,500.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether any directions were given to the Land Revenue and Income Tax Commissioner with regard to the demarcation of lands to be taken?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) Sir, as I said in answer to part (b) the Land Revenue and Income Tax Commissioner has been asked to get written statements from the land owners agreeing to surrender the lands.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether any actual area of the land to be utilised for the construction of the road was estimated?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The Land Revenue and Income Tax Commissioner is in charge of demarcating lands and to get all information regarding the lands from the owners.

* *Vide* Appendix I—Page. 397

MR. K. PADMANABHAN (*Chirayinkil I*): May I know from Government whether the Land Revenue Department has been supplied with any sketches and plans?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I cannot supply that information now.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether Government are aware that delay is due to the failure to supply those sketches?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The delay is due to nothing of that sort. Government have ordered that the question of constructing the road should lie over.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know from the member the date on which this order was issued?

MR. G. B. E TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*); On the 23rd July 1935.

MR. K. PADMANABHAN (*Chirayinkil I*) May I know from Government the reason for issuing such an order?

M. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Government ordered that the work should lie over on account of financial stringency.

MR. K. PADMANABHAN (*Chirayinkil I*): Has the Government taken any action after receiving the last petition?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I have answered that question in part (*b*).

Token cut in the demand for Education Department.

98. *MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*): Will the Government be pleased to state:

(*a*) what they have so far done to carry out the purpose of the token cut effected in the demand for Education Department in the last Budget Session of this House; and

(*b*) if nothing has been done so far, the reason for it?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*):

(*a*) and (*b*) It is regretted no action could be taken owing to financial stringency.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*): May I know what were the reduced rates?

MR. C. V. CHANRASEKHARAN (*Ag. Director of Public Instruction*): There was an all-round reduction of 14 chakrams.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*): May I know whether the exact amount was ascertained after the budget was sanctioned?

MR. C. V. CHANRASEKHARAN (*Ag. Director of Public Instruction*): The whole question was fully discussed at the Budget Session. I may refer the honourable member to my speech on the token cut.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*): May I know whether the allotted amount for the special purpose of giving grants will be totally spent even under the reduced rates in accordance with the promise.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Yes, Sir.

MR. KAINIKKARA M. PADMANABHA PILAAI (*Changanachery I*): Sir, my question is in accordance with the promise that the honourable member made in this House to the effect that any amount that falls as surplus will be utilised for giving grants. I ask the honourable member whether any surplus amount has been utilised for giving grants?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): It is a hypothetical question, Sir.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*) No Sir, it is not a hypotheticial question. Sir, I want to know whether depending on the promise which the honourable member made last year whether he has paid grants from the surplus amount?

PRESIDENT: The honourable member does not get an answer. That is all.

MR. POTTA IL S. KRISHNA PANICKAR (*Shertala II*): May I know from the member what is the exact amount that is required by Government, if the principle underlying the token cut is accepted?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): About Rs. 60,000.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know from Government whether they have decided that no action can be taken at any time or only just now?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): No definite period is fixed.

The Colachel Factory.

99. ***MR. G. NILAKANTAN** (*Nominated*): Will the Government be pleased to state if applications have been received from persons offering to take up the Colachel Factory for working it up as a factory for the manufacturing and sale of salt partly to Government and partly to the public; and if the answer is in the affirmative, what is the reason for refusing to accept the offer?

MR. C. O. MADHAVAN (*Excise Commissioner*): Applications were received for license to work the Colachel Factory under the Modified Excise System and one of the applications has been accepted by Government.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether the factory at Colachel is worked?

MR. C. O. MADHAVAN (*Excise Commissioner*): The factory is not being worked now.

MR. K. R ELENKATH (*Kalkulam I*): May I know from Government whose application was accepted?

MR. C. O. MADHAVAN (*Excise Commissioner*): One Mr. Gopalan Nair.

MR. K. R. ELENKATH (*Kalkulam I*): To which place does he belong?

MR. C. O. MADHAVAN (*Excise Commissioner*): Tiruvalla.

MR. A. EASWARA PILLAI (*Kalkulam II*): May I know whether there were natives of Colachel among the applicants?

MR. C. O MADHAVAN (*Excise Commissioner*): Persons who belong not exactly to Colachel but to adjacent places had also applied.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Is there any distinction made between people of Colachel and other Travancoreans?

MR. C. O MADHAVAN (*Excise Commissioner*): No distinction is made.

P. W. D. Supervisors.

100. ***MR. M. MAHOMED HANEEF** (*Nominated*): Will the Government be pleased to lay on the table a statement showing the names and the period of service of the P. W. D. Supervisors (Section Officers) in the State who are in the very same station for more than three years at present?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): A * statement furnishing the information is laid on the table.

Acting Graduate Teachers.

101. ***MR. K. A. NARAYANA PILLAI** (*Todupuzha cum Devicolam*): Will the Government be pleased to state:

(*a*) whether there are about a dozen graduates recruited a teachers in the year 1101 still acting in the graduate scale;

(*b*) whether they were not receiving Rs. 50 as salary till the Standardisation G. O., dated 16-4-1935;

(*c*) whether after the above G. O. their pay has been reduced to Rs. 40 only;

(*d*) whether graduates entertained in the undergraduate scale subsequent to the recruitment referred to above were subsequently confirmed and promoted to graduate scale; and

(*e*) if so, why the cases of the teachers in the graduate scale were not taken into consideration when undergraduates were promoted?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*):

(*a*) Yes.

(*b*) Yes.

(*c*) The salary of the teachers has not been definitely fixed.

(*d*) No.

(*e*) This does not arise in view of answer to (*d*).

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* *Vide* Appendix II—page 398.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*) : May I know from Government whether graduates are entertained in the under-graduate scale?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*) Yee, Sir.

MR. K. A NARAYANA PILLAI (*Todupuzha* cum *Devicolam*) : May I know whether they were subsequently promoted in the higher scale?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*) : That has been answered in part (*d*) .

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*) : May I submit, Sir, that part (*d*) does not answer that. My question is whether under-graduates were promoted in graduate scale?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*) : Yes, Sir.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*) : May I know from the member whether they were confirmed in graduate scale?

MR. C V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*) : Not in recent years.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*) : May I know, Sir, after 1101, any undergraduate was promoted in the graduate scale and has been confirmed in that scale?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): That is answered in part (*d*).

Recruitment of graduate teachers.

102. ***MR. K. A. NARAYANA PILLAI** (*Todupuzha* cum *Devicolam*): Will the Government be pleased to state:

(*a*) the names of graduates who are recruited in 1101 in the graduate scale as teachers and who are still acting with their qualification and rank or distinction, if any; and

(*b*) the names and qualifications of graduates entertained in the graduate scale since 1101 and subsequently promoted to the graduate scale?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*).

(*a*) A *statement furnishing the information asked for is placed on the table.

(*b*) The question is not understood.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*) : May I know, Sir, whether any graduate has been confirmed in the graduate scale after 1101?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I claim notice.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*) : Sir, a mistake has arisen in the question part (*b*) *viz.* "the names and qualifications of graduates entertained................?" But it ought to be "names and qualifications of under-graduates entertained in the under-graduate scale"? Sir, can I correct that question and put it?

**Vide* Appendix III—page 399.

PRESIDENT: By all means.

MR. K. A. NARAYANA PILLAI (*Todupuzha cum Devicolam*): May I know whether undergraduates were promoted in the graduate' scale and have been confirmed in that scale?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I am not able to follow the honourable member's question. I claim notice, Sir.

MR. K. A. NARAYANA PILLAI (*Todupuzha cum Devicolam*); May I know whether after 1101, any graduate was promoted in the graduate scale and has been confirmed in that scale?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I claim notice.

Untrained teachers in Management Schools.

103. ***MR. N. K. KRISHNA PILLAI** (*Neyyattinkara I*): Will the Government be pleased to state:

(*a*) whether untrained teachers in management schools with less than two years' service have been ordered to be relieved; and

(*b*) if the answer to part (*a*) is in the affirmative, whether they will be pleased to furnish detailed information regarding the matter?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*):

(*a*) and (*b*). Instructions have been issued to the Divisional Inspectors and the Inspectress of Girls' Schools to the effect that ordinarily the appointments of untrained V. S. L. C. holders of less than two years' teaching experience, as teachers in private schools, should not be approved.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know from Government whether the present order was necessitated as a result of the recommendation of the Public Service Commissioner?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): No, Sir. This refers to untrained teachers in schools run by private managements. The Public Service Commissioner has nothing to do with appointments in those schools.

Cases of theft and burglary.

104. ***MR. N. K. KRISHNA PILLAI** (*Neyyattinkara I*): Will the Government be pleased to state:

(*a*) how many cases of theft and burglary have been reported from places within the jurisdiction of the Neyyattinkara Police in 1109, 1110 and 1111 (till 24-11-1111) respectively;

(*b*) how many cases are still undetected:

(*c*) how many charge-sheeted; and

(*d*) how many have ended in conviction?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): (*a*), (*b*), (*c*) and (*d*). A statement† containing the required information is laid on the table.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*); Sir, it is answered that in 1109 "two cases are still remaining undetected". May I know whether any explanation of the officer connected with detection was called for?

†*Vide* Appendix IV—page 400.

MR. R. PITCHU AIYENGAR (*Commissioner of Police*): It is not a matter in which...... ......

PRESIDENT: The honourable member will raise his voice.

MR. R. PITCHU AIYENGAR (*Commissioner of Police*): Here, there are cases detected and undetected. On the whole, the work of the officer is not bad and no explanation was called for.

Revenue auctions for arrears of tax.

105 ***MR. N. K. KRISHNA PILLAI** (*Neyyattinkara I*): (*a*) Will the Government be pleased to state the number of revenue auctions for arrears of tax in the Neyyattinkara taluk in each of the years 1110 and 1111 (till 24-11-1111)?

(*b*) Will the Government be pleased to lay on the table a list showing the extent of each of the properties sold and the arrears of tax and the amount for which each of them was sold?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

(*a*) 87 and 269 during 1110 and 1111 respectively (up to the end of 24-11-1111).

(*b*) A list* containing the information for the year 1111 is laid on the table. The details in respect of all the auctions conducted in 1110 cannot be ascertained correctly because most of the sales conducted during that year were cancelled in pursuance of G. O. R. O. C. No. 4343/35/Rev, dated 2-10-35

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know from the member why there was an abnormal rise in the arrears of tax during 1111?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Because more people failed to pay their tax.

Lands sold for arrears of revenue.

106 ***MR. S. NILAKANTA PILLAI** (*Chirayinkil II*): With reference to the Chirayinkil taluk, will the Government be pleased to state:

(*a*) the extent of lands sold in auction for the purpose of recovering the revenue of the State or the arrears thereof during the years 1110 and 1111 up to date (31-11-1111);

(*b*) the total amount of tax for which the revenue sales were conducted during these years; and

(*c*) the amount realised by selling movables?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

(*a*) 1110 ... ... 15 acres 40 cents.
1111 up to 31-11-1111 ... 26 acres 26 cents.

(*b*) 1110—Rs. 538-14-5
1111—Rs. 1243-20-0

(*c*) 1110—Rs. 17-13-9
1111—Rs. 12- 7-6.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know from Government why there was a great difference in the sums realised under arrears in 1110 and 1111?

*Vide Appendix V pages 401 to 490

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): They are not the amounts realised. It is the amount of arrears. It is the total amount of tax and not the amount realised.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): It is stated as the total amount of tax for which revenue sales were conducted. May I know, Sir, what is this difference due to?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): In the first place the amounts shown under item (*b*) are not amounts realised. They are the amounts of arrears. The difference was due to the fact that there were more arrears in 1111 than in 1110.

MR. K. PADMANABHAN (*Chirayinkil I*): With regard to answer to part (*a*) may I know out of this 26 acres how many acres were paddy and how many were garden lands?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Five acres and thirteen cents were paddy lands and the rest were garden lands.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know the accurate price that paddy lands fetched in auction?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): It is a matter for calculation. For two acres and ten cents the value realised was Rs. 200 and chuckrams 12.

Teachers in Management Vernacular Schools.

107 ***MR. S. NILAKANTA PILLAI** (*Chirayinkil II*): Will the Government be pleased to state:

(*a*) whether there is a circular issued by them or by the Director of Public Instruction to the effect that Vernacular School Leaving Certificate holders should not be appointed as teachers in Management Vernacular Schools;

(*b*) if so, will it bind the V. S. L. C. holders who have obtained or applied for license; and

(*c*) whether the managements have been instructed by the department to disband teachers who have not got two years 'service?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*):

(*a*), (*b*) and (*c*) Instructions have been issued to the Divisional Inspectors and the Inspectress of Girls' Schools to the effect that ordinarily the appointments of untrained V. S. L. C. holders of less than two years' teaching experience, as teachers in private schools, should not be approved.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): Sir, may I know whether the circular will affect those who have obtained license or who have applied for license?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*) If better qualified teachers are available, they will be certainly preferred to untrained V. S. L. C. holders who may hold the license.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know wheth the teachers are required to pay for the license?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Yes.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): Why then does Government now come forward and say that they would not be allowed to teach in schools after they have issued license on payment of a certain amount?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I would invite the member's attention to the word "ordinarily" in the answer.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Does the circular apply only to the appointments to be made in future?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): It will not apply to teachers who have already obtained exemption.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether it applies to the appointment of teachers who have passed the V. S. L. C.?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): If such teachers are not experienced and if better qualified men are available they will be preferred. If the Divisional Inspector finds that there are better qualified persons available, he advises managements to appoint the better qualified men.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether it affects those were in service before two years before this circular was issued?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): No, Sir.

Appendix I.

Vide **Answer to Question No. 96.**

Statement of English High and Middle Schools and of Vernacular High Schools newly sanctioned during the school year 1936-37.

Name of School.		Name of Manager or Management.
ENGLISH HIGH SCHOOLS.		
1 Pandalam N. S. S. English High School	...	Nair Service Society.
2 Nagercoil M. E. L. I Mission Do	..	Rev. W. C. Dukewitz M. A.
3 Edakulam English High School	...	The Most Rev. Titus Mar Thoma, Metropolitan of Malabar.
4 Suchindram S. M. S. M. English High School	...	Mr. M. Subrahmanya Pillai.
5 Karunagapally Do.	...	The English School Managing Committee, Karunagapally, of which Mr. B. Paramoo B. A., & B. L. is the President.
ENGLISH MIDDLE SCHOOLS.		
1 Kothamangalam St. George's English Middle School	...	Rev. Fr. Joseph Vazhaparambil.
2 Do. Mar Basil Do.	...	Fr. Geevarghese Nedumthallil.
3 Pampakuda M. T. M. Do.	...	Rev. Fr. K. M. Abraham.
4 Arudai Chidambaram Do.	...	Mr. A. S. Chidambaram Pillai.
5 Arakulam St. Thomas Do.	...	Rev. Fr. Paul Alapatt.
6 Vettikkanam Do.	...	Mr. K. V. Thomas.
7 Plasanal Do.	...	Rev. Fr. Thomas Purakarayil.
8 Eravinalloor Do.	...	Rev. K. M. Elias B. A. L. T.
9 Kanakapalam Do.	...	Rev. V. P. Mammen.
10 Vallamkulam National Do.	...	Mr. K. Narayanar Pandarathil.
11 Pothi Little Flower Do.	...	Rev. Fr. Peter Kuttaparambil.
12 Areekara S. N. D. P. Do.	...	Mr. S. Sankaran Nilakantan.
VERNACULAR HIGH SCHOOLS.		
1 Sacred Heart Mount Vernacular High School, Kottayam	...	Rt. Rev. Alexander Chulaparambil.
2 Kumbanad Vernacular High School	...	Mr. G. L. Fountain of the Brother Mission.
3 Perunnai Do.	...	Nair Service Society.
4 Nagercoil St. Francis Do.	...	Rev. Fr. Stanislas Kotska.

Appendix II.

***Vide* Answer to Question No. 100.**

Statement showing the names and the period of service of the P. W. D. Supervisors (Section Officers) who are in the same station for more than 3 years on 21-3-1112/6-11-1936.

No.	Name of officer.	Station.	Period of service.	Remarks.
1	Mr. M. A. Baker .	Mylady (Nagercoil Division).	15-2-1109	to date
2	" K. Raghava Thirumulpad .	Vilavancode (Nagercoil Division.)	30-8-1108	do.
3	" Y. Srinivasa Aiyar .	Pallivasal (Alwaye Division)	8-5-1108	do.
4	" M. N. Narayana Pillai .	Lighting Section, Workshops & Stores Division.	29-5-1108	do.

Appendix III.

Vide **Answer to Question No** 102

Statement showing the names of graduates who are recruited in 1101 in the graduate scale as teachers and who are still acting with their qualification and rank.

No.	Name.	Qualification.	Rank.	Remarks.
1	P. V. Abraham	B. A. L. T.	3rd Class	
2	P. Joseph	B. A. L. T.	Do.	
3	M. K. Raman Pillai	B. A. (Hons) L. T	Do.	
4	John M. John	B. A. L. T.	2nd Class	
5	S. Moses	M. A. L. T.	Do	
6	C. Cheriyan	B. A. L. T.	Do.	
7	V. Ninan	B. A. L. T.	Do.	(First in the Presidency).
8	K. M. Koshy	B. A. L. T.	Do.	
9	M. K. Abraham	B. A. L. T.	3rd Class	
10	P. N. Madhavan Pillai	B. A. L. T.	Do.	
11	K. C. Rama Panickar	M. Sc. L. T.	2nd Class	
12	K. Narayana Kurup	B. A. L. T.	3rd Class	
13	A. Chockalingom	B. A.	2nd Class	(under training).
14	S. Velayudhan Pillai	B. A. L. T.	Do.	

Appendix IV.

Vide Answer to Question No. 104.

Statement of cases of theft and burglary within the jurisdiction of Neyyattinkara Police.

Year	Reported.	Undetected.	Charge-sheeted.	Convicted.	Remarks.
			Theft cases.		
1109	8	...	6	6	2 cases referred as false.
1110	11	1	8	7	1 case pending trial, 2 cases referred.
1111	16	...	14	9	5 cases pending trial, 1 case pending investigation and 1 case discharged.
			Burglary cases.		
1109	3	2	1	1	
1110	5	1	4	2	1 case pending trial.
1111	6	...	2	...	2 cases pending trial and 4 cases pending investigation.

Appendix V.

Vide **Answer to Question No. 103.**

Statement showing the extent of each of the properties sold, the arrears of tax and the total amount fetched in auction, Neyyattinkara. 1111 (till 24-11-1111).

ക്രമനമ്പർ	പകുതി	സർവെ		വിസ്തീർണ്ണം		കുടിശ്ശിക തുക			ലേലത്തുക		
		നമ്പർ	ബ്ലാക്ക്	ഏ.	സെ.	രൂ.	ച.	കാ.	രൂ.	ച.	കാ.
1	കുളത്തൂർ	219	3.E	...	12	9	19	12	10	7	...
2	,,	465	17.A	...	15	5	1	5	5	21	...
3	,,	381	14	...	34	25	8	12	25	21	...
4	,,	327	4	...	27	6	15	13	7	7	...
5	,,	194	23	...	22	9	17	12	14	...	...
	,,		ഉൾപ്പടെ								
6	,,	194	23	...	22	8	6	1	14	...	...
			ഉൾപ്പടെ								
7	,,	117	10	...	11	7	7		7	21	...
8	,,	262	1.A.3	...	30	11	9	6	12	7	...
9	,,	369	1—1	...	10	6	22	7	7	7	...
10	,,	326	4	...	15	4	21	6	5	7	...
11	,,	173	9	...	11½	} 29	1	5	30	7	...
	,,	186	7.B	...	45						
12	,,	88	29	..	16	19	3	8	19	7	,
			ഉൾപ്പടെ								
13	,,	88	29	...	8	13	26	10	14	7	...
14	,,	465	2.B	...	32	24	18	3	34	7	...
15	,,	297	8.A	...	13½	15	14	11	16	7	...
16	,,	441	4	...	65	17	19	10	18	14	...
17	,,	236	3	...	3	18	16	1	19	...	...
18	,	370	5.C	...	12	7	24	10	8	7	...
19	,,	309	14	...	10	5	12	...	6	7	...
20	,,	78	3	...	87	20	19	12	21	...	...
21	,,	426	2	...	66½	14	22	3	75	7	...
22	,,	415	9	...	22	9	20	...	9	21	..
23	,,	304	6	..	19	17	26	6	18	...	...
24	,,	164	6.B	...	26	20	10	6	20	14	...
25	,,	41	35	...	6	} 8	...	...	8	7	...
			36	...	5						
26	,,	417	9—1	...	27	25	27	6	28	7	...
27	,,	195	8	...	40	22	27	6	23	7	...
28	,,	251	9	...	25	9	23	5	12	...	...
29	,,	492	9	...	25	10	6	8	10	14	..

Appendix V (*Contd.*)

ക്രമനമ്പർ	പകുതി	സർവെ		വിസ്തീർണ്ണം		കുടിശ്ശിക ത്തുക			[illegible] ത്തുക		
		നമ്പർ	ഖറാർ.	ഏ.	സെ.	രൂ.	ച	കാ	രൂ.	ച	കാ
30	കുളത്തൂർ	425	9	...	33	15	26	8	16	7	...
31	,,	297	7	...	28	15	19	11	16	7	...
32	,,	440	4	...	11	11	13	12	13	7	...
33	,,	418	2	...	96	21	1	11	21	14	...
34	,,	117	16	...	12	10	9	10	10	21	...
35	,,	188	5	...	$42\frac{1}{2}$	12	10	2	25	...	...
36	,,	242	1	...	45	55	24	5	56	7	...
		295	11	...	$16\frac{1}{2}$						
37	,,	242	2	1	41	50	...	2	50	14	..
		279	8	...	$10\frac{1}{2}$						
38	,,	311	7	...	0	30	...	10	35	14	...
			10	...	19						
39	,,	231	7	...	$34\frac{1}{2}$	9	19	9	10	3	8
40	,,	224	1	...	$33\frac{1}{2}$	8	2	15	8	14	..
41	,,	170	13	...	42	21	17	10	21	21	...
42	,,	343	13	...	27	43	2	10	43	14	...
43	,,	344	12	...	24	15	25	10	16	7	...
44	,,	236	11	...	5	10	17	7	11	7	...
45	,,	306	2	...	10	80	22	14	40	.	...
46	,	352	1.A	1	9	24	18	14	70	14	...
47	,,	310	13	...	$62\frac{1}{8}$	11	8	15	12	7	..
48	,	392	4	...	11	11	10	13	11	21	...
		369	26	...	17						
49	,,	333	2	...	15	14	22	2	25	7	...
50	,,	414	23.A	...	10	11	14	11	12	...	...
51	,,	521	1-32	...	$15\frac{3}{4}$	16	4	14	16	14	...
52	,,	119	25	...	19	17	28	11	18	7	...
53	,,	119	16	...	21	19	15	11	...	1	...
54	,,	91	3 A	...	6	19	1	8	...	1	...
		91	4 A	...	11						
		91	5 A	...	11						
55	,,	385	1	...	20	11	23	6	12	14	...
56	,,	70	18	...	9	7	21	1	8	7	...
57	,,	1	1	...	50	27	13	11	27	21	...
58	,,	496	6	1	15	37	22	11	38	7	...
59	,,	340	9.E	...	10	10	25	3	11	7	...
60	,,	344	8	...	15	35	16	...	61	...	...
61	,,	70	17	...	25	14	9	14	14	21	...

Appendix V—(*contd.*)

ക്രമനമ്പർ.	പകുതി.	സർവെ.		വിസ്തീർണ്ണം.		കുടിശ്ശികകൾ.			ചെലവുകൾ.		
		നമ്പർ.	[illegible]	ഏ.	സെ.	രൂ.	ച.	ക.	രൂ.	ച.	കാ.
62	കുളത്തൂർ	354	36	...	17	17	23	11	18	7	...
63	,,	343	18 A	...	20	61	22	14	63	7	...
	,,	...	18 B	...	16						
64	ചെങ്കൽ	365	1	...	8	34	24	10	35	7	...
65	,,	193	8¼	..	...	17	13	1	21	14	...
66	,,	193	8¼	...	...	20	22	10	21	14	...
67	,,	193	8¼	...	...	20	9	7	21	14	...
68	,,	193	8¼	...	...	4	20	7	21	14	...
69	,,	264	9	...	50	39	18	6	40	7	...
70	,,	221	1	..	28	64	23	2	65	7	..
	,,	230	22	...	14						
71	,,	351	24	..	11	14	3	2	14	21	...
72	,,	404	5	...	39	94	23	11	100	...	...
73	,,	366	9	...	30	12	22	15	13	7	...
74	,,	119	14	...	33	32	20	7	33	21	...
75	,,	172	29	...	12	19	27	4	20	7	...
76	,,	351	35	..	5	8	4	8	8	14	...
77	,,	230	23	...	13	28	11	13	29	7	...
	,,	230	4	...	6						
78	,,	48	2 A	...	47	12	20	8	13	14	...
79	,,	115	5	...	56	9	25	11	10	7	...
80	,,	335	13	..	13	44	18	8	45	...	...
81	,,	270	1 A	...	16	9	4	...	9	14	...
82	,,	165	10	...	45	48	4	7	48	21	...
83	,,	364	4	1	...	37	21	9	42	...	...
84	,,	7	1	...	63	14	4	...	30	14	...
...			[illegible]								
85	,,	194	24 A	...	34	28	11	6	...	1	...
86	,,	9	17	...	44½	9	18	8	10	7	...
87	,,	253	29	...	14	30	8	4	30	21	...
88	,,	393	3	...	50	8	6	14	8	14	...
89	,,	288	1	..	10	27	...	...	40	...	...
90	,,	169	7 B	..	54	12	22	12	13	7	..
91	,,	196	1	...	50	12	9	...	12	21	...
92	,,	71	7 A	...	27	10	20	...	11	7	...
93	,,	339	10 A		46	10	24	7	11	7	...
94	,,	191	12	..	10	15	9	13	16	7	...
95	,,	68	39	..	9½	4	22	3	5	7	...

Appendix V—(*contd.*)

ക്രമനമ്പർ.	പകുതി.	സർവേ.		വിസ്തീർണ്ണം.		കുടിശ്ശിക.			ചെലവുകൾ.		
		നമ്പർ.	ഖററ്.	ഏ.	സെ.	രൂ.	ച.	കാ.	രൂ.	ച.	കാ.
96	പാറശ്ശാല	339	7	...	$8\frac{1}{2}$	21	2	12	22	7	...
	,,	347	11 A	...	11						
97	,,	167	8	...	91	28	15	6	30	7	...
98		192	4	...	28	33	6	2	34	14	...
99	,,	122	36	...	$15\frac{1}{2}$	20	8	8	21	...	...
100	,,	48	2	...	12	18	15	11	19	14	...
101	,,	68	23	...	14	15	1	12	15	14	...
102	,,	412	11 D	...	4	18	14	12	19	...	...
	,,	305	4	...	$6\frac{1}{2}$						
103	,,	366	11	...	10	8	10	1	8	21	...
104	,,	64	23 B	...	4	8	21	9	9	7	...
105	,,	121	4	...	8	4	17	2	5	...	...
106	,,	19	1 C	...	$28\frac{1}{2}$	10	7	14	10	21	...
107	,,	209	65	...	6	8	15	5	9	...	...
108	,,	84	2	...	20	10	11	1	10	21	...
109	,,	310	13	...	21	34	12	12	34	21	...
110	,,	423	8	...	$15\frac{1}{2}$	14	20	9	15	...	...
111	,,	224	1	...	47	20	23	11	22	14	...
112	,,	27	2	...	37	14	10	6	14	21	...
113	,,	19	1 C	...	55	12	25	5	13	14	...
114	,,	424	4		7	16	11	...	16	21	...
	,,	361	8 C	...	3						
115	,,	263	2A8/25	...	11	5	27	5	6	7	...
116	,,	258	1	2	...	37	...	15	37	14	...
117	കൊല്ലയിൽ	64	20 D	...	23	4	9	9	4	21	...
118	,,	89	12	...	13	7	26	14	8	7	...
119	,,	90	7	...	$17\frac{3}{4}$	7	11	19	7	21	...
120	,,	19	1	...	15	8	5	...	8	...	...
121	,,	51	2	...	16	8	5	11	8	21	...
122	,,	147	1/43	...	10	2	24	3	8	7	...
123	,,	217	15	...	15	39	1	1	40	7	...
124	,,	149	7	...	$7\frac{1}{2}$	4	27	9	6	7	...
125	,,	140	28	...	21	12	24	6	13	7	...
126	,,	45	20	...	7	6	5	8	6	21	...
127	,,	147	1-28	...	12	3	26	10	4	7	...
128	,,	36	9 B	...	22	7	13	6	9	7	...
129	,,	65	16	...	20	12	9	5	12	21	...

Appendix V—(*contd.*)

ക്രമനമ്പർ.	പകുതി.	സർവെ.		വിസ്തീർണ്ണം		കുടിശ്ശിക തുക.			ലേലത്തുക.		
		നമ്പർ.	ഖാറാർ.	ഏ.	സെ.	രൂ.	ച	കാ	രൂ.	ച.	കാ.
130	കൊല്ലയിൽ	35	14	...	16	15	17	6	16	7	...
131	,,	240	3	...	9	21	7	1	21	21	...
132	,,	218	21	...	20	12	...	10	14	...	...
133	,,	35	9	...	10	7	21	11	8	7	...
134	,,	46	15	...	10	4	4	3	4	14	...
135	,,	88	21/36	...	10	6	8	9	6	21	...
136	,,	37	8·B	...	48	20	22	1	23	7	...
137	,,	64	2	...	17	7	23	7	8	7	...
138	,,	328	41	...	12	18	8	10	18	21	...
	,,	...	45	...	8½						
139	,,	150	1	..	20	10	2	12	10	14	...
140	,,	37	8·A	...	25	9	17	5	10	...	...
141	,,	78	3	...	20	8	4	12	8	14	...
142	,,	104	3	...	12	7	1	13	7	14	...
143	,,	158	3	...	16	13	9	8	40	..	...
144	കുന്നത്തുകാൽ	501	2·A	...	16	5	15	7	7	14	...
145	,,	501	2·A	...	8	3	...	2	3	14	...
146	,,	251	10	...	38	20	16	...	20	21	...
147	,,	646	8·A	...	5	14	27	...	19	...	...
148	,,	471	4	...	26	48	23	15	50	21	...
149	,,	652	3	1	90	27	18	1	28	...	...
150	,,	652	3	..	...	12	6	...	12	14	...
151	,,	728	6	...	50	20	16	14	21	14	...
152	,,	736	14	...	42	48	15	8	49	14	...
153	,,	736	15	..	50	51	13	6	52	14	...
154	,,	718	4	...	30	8	3	14	8	14	...
155	,,	403	1·C	...	50	8	1	3	8	7	...
156	,,	738	8	...	40	19	17	15	20	...	...
157	,,	739	13	...	22	13	...	14	13	14	...

Appendix V.—(*contd.*)

ക്രമനമ്പർ	പകുതി.	സർവെ.		വിസ്തീർണ്ണം.		കുടിശിഖ തുക.			ലേലത്തുക.		
		നമ്പർ.	ഡിവിഷൻ.	ഏ.	സെ.	രൂ.	ച.	കാ.	രൂ.	ച.	കാ.
158	കുന്നത്തുകാൽ	711	2	...	21	22	19	1	23	...	...
159	„	386 ഉൾട്ട്	33 ക്കര്	..	25	3	9	2	3	14	...
160	„	386 ഉൾട്ട്	33 ക്കര്	...	36	4	25	2	5	7	...
161	„	615	11	...	40	7	17	4	8	7	...
162	„	741	29	1	51	7	7	...	...	1	...
163	„	607	19	1	52	7	5	15	...	1	...
164	„	741	20	...	98	5	7	1	...	1	...
165	„	741	19	2	3	9	9	8	...	1	...
166	„	512	6·A	...	50	11	...	15	11	21	...
167	„	607	13	..	85	4	11	5	...	1	...
168	„	741	16	1	55	7	17	6	7	22	...
169	„	741	9	1	59	7	25	7	...	1	...
170	„	741	1A·3	4	...	29	13	5	29	21	...
171	„	741	7	1	57	8	4	14	8	14	...
172	പെരുങ്കടവിള „	611 658	4 4	... ...	16 76	12	17	10	13	...	...
173	„ „	611 658	4 4	... ...	30 76	20	22	1[illegible]	21	7	...
174	„ „	611 655	4 4	... ...	15 38	14	5	6	14	14	...
175	„	49	1A·210	2	...	10	18	2	11	...	...
176	„	46	1	2	...	4	21	...	5	...	...
177	„	167	27	...	14	2	26	2	3	7	...
178	„	220	12	...	75	6	21	2	7	...	...
179	„	559	1	...	66	6	4	10	6	14	...
180	„	605	2A	1	24	4	4	3	4	14	...
181	„	525	6	...	30	12	6	3	12	14	...
182	„	218	12	...	23	12	1	12	12	7	...
183	„	562	32	...	18	9	9	8	9	21	...
184	„	255	1	...	25	10	13	7	10	21	...
185	„	411	6-1	...	73	14	9	11	14	21	...
186	„	393	1	5	40	12	15	9	13	...	...

Appendix V.—(*contd.*)

ക്രമനമ്പർ.	പകുതി.	സൎവെ നമ്പർ.	സൎവെ ഖ൦൦ർ.	വിസ്തീൎണ്ണം. ഏ.	വിസ്തീൎണ്ണം. സെ.	കുടിശിഖത്തുക. രൂ.	കുടിശിഖത്തുക. ച.	കുടിശിഖത്തുക. കാ.	ലേലത്തുക. രൂ.	ലേലത്തുക. ച.	ലേലത്തുക. കാ.
187	പെരുങ്കടവിള	767	34/1	2	93	13	27	1	14	7	...
188	,,	560	1	1	72	4	24	8	5	7	...
189	,,	611	4	...	30						
						23	1	4	23	14	...
		658	4	...	76						
190	നെയ്യാറ്റിൻകര	443	5	..	50	20	5	2	23	7	...
191	,,	586	2	...	21						
						87	5	14	89	...	...
		606	6	...	39						
192	,,	613	1	...	21	19	6	13	21	14	...
193	നേമം	222	25	...	10	5	9	14	5	21	...
194	,,	401	4 A	...	14	13	4	7	14	...	..
195	,,	101	11		4	9	20	7	10	7	...
196	,,	129	16 A	...	13	6	8	14	6	2	...
197	,,	55	8	...	9	3	1	11	3	14	...
198	,,	161	49 B	...	14	16	9	1	16	21	...
199	,,	222	36	...	$12\frac{1}{2}$	5	21	13	6	7	...
200	,,	55	23 C	...	11	7	23	15	8	7	...
201	,,	314	5	...	8	8	7	6	3	21	...
202	,,	234	1 B	...	11	6	2	7	6	14	...
203	,,	192	4	...	15	31	15	2	32	...	...
204	,,	58	19	...	9	8	27	5	9	7	...
205	,,	510	9	...	14	5	13	3	5	21	...
206	,,	368	22	...	25	6	7		6	21	...
207	,,	314	25	.	10	10	9	10	10	21	..
208	,,	188	42 A	...	13	7	24	...	9	...	...
209	മാറനല്ലൂർ	149	1	...	21	67	13	15	68	7	...
210	,,	314	4	...	60	13	11	9	14	7	...
211	,,	389	3 A	...	44	18	11	7	19	7	...
212	,,	321	7 C	...	5	17	1	4	17	14	...
213	,,	410	4	1	...	20	11	6	20	21	..
214	,,	284	2	...	50	20	23	15	21	7	...
215	,,	90	8	...	21						
						41	14	3	43	...	...
		38	1	...	30						
216	,,	323	22	.	34	11	24	13	12	7	...
217	,,	319	1 A	...	50	8	7	12	8	21	...

Appendix V.—(*contd.*)

ക്രമനമ്പർ.	പകുതി.	സർവെ		വിസ്തീർണ്ണം		കുടിശിക തുക			ലേലത്തുക		
		നമ്പർ.	ഡിവിഷൻ.	ഏ.	സെ.	രൂ.	ച.	കാ.	രൂ.	ച.	കാ.
218	മാരനല്ലൂർ	206	11	...	22	18	27	13	19	7	...
219	,,	273	22 A	...	5	9	16	15	10	..	...
220	,,	51	1	...	20	8	13	5	8	21	...
221	,,	415	4	1	4	22	13	10	23	7	...
222	,,	47	4	...	40	9	22	15	10	7	...
223	,,	433	7	...	34	17	8	1	17	21	...
224	,,	321	39 A	...	18	28	25	15	...	1	...
		321	13	...	11						
225	,,	84	7 A	...	23	10	11	12	...	1	..
226	,,	329	1 A	...	63	19	13	13	...	1	...
227	,,	76	15	...	18	14	8	10	...	1	...
228	,,	249	4	...	27	15	21	8	...	1	...
229	,,	309	20	...	19	11	18	6	...	1	...
230	,,	288	11 A	...	38	36	1	2		1	...
231	,,	379	13	...	28	26	13	2	...	1	
232	,,	255	2 C	...	70	16	2	11	...	1	..
233	,,	348	5 A	...	44	29	22	4	...	1	...
234	,,	67	10	...	21	5	18	10	6	...	...
235	,,	135	3	1	49	26	2	13	...	1	...
236	,,	45	10 A	...	10	9	3	3	9	14	...
237	,,	323	12 C	...	20	7	18	8	8	...	...
238	,,	198	25	...	10	16	4	7	16	21	...
239	,,	28	2 B	...	7	15	21	15	16	7	...
		71	4 B	...	20						
240	,,	269	33 B	...	44	17	3	15	18	7	...
241	,,	269	36 B	...	39	17	4	4	17	21	...
242	ഒററശ്ശേഖരമംഗലം	2	82	1	69	30	20	11	...	1	...
			83	1	18						
			104	1	34						
		26	95	1	25						
			101	3	90						
243	,,	199	1 C 11	...	61	4	6	8	...	1	...
244	,,	21	212	...	6	4	27	7	...	1	..
			113	..	93						
245	,,	2	85	1	85	5	15	12	6	7	...
246	,,	30	2	...	19	7	...	13	7	14	...

Appendix V—(*contd.*)

ക്രമനമ്പർ.	പകുതി.	സർവെ നമ്പർ.	സർവെ [illegible].	വിസ്തീർണ്ണം ഏ.	വിസ്തീർണ്ണം സെ.	[illegible] ന.	[illegible] ച.	[illegible] കാ.	[illegible] രൂ.	[illegible] ച.	[illegible] കാ.
247	[illegible]	322	4 B	2	9	32	22	9	34	7	...
248	,,	378	2 D	...	98	7	23	4	8	7	...
249	,,	8	10	...	72	15	2	10	15	7	...
250	,,	158	3 A	4	33	26	2	7	29	7	...
251	,,	49	11	...	33	18	4	2	18	14	...
		12	16	...	18						
252	,,	387	47	3	12	4	27	14	5	7	...
253	,,	362	1—1	12	...	30	23	13	31	7	...
		325	2 AI	3	88						
254	,,	817	4 A	...	36	8	2	6	8	14	...
255	,,	2	89	1	45	6	24	6	7	7	...
256	,,	98	3—I	1	5	8	25	12	9	7	...
257	,,	47	6—7	...	22	12	4	13	13	...	...
		49	7 A	...	48						
258	,,	2	167	...	35	6	1	11	6	14	...
		2	9 A	...	3						
259	,,	2	89	1	45	6	24	6	7	7	...
260	,,	49	3—I	...	49	67	13	11	73	7	...
261	,,	358	3	...	62	26	23	14	27	7	...
		359	10 B	...	10						
262	,,	67	1 A	7	49	36	17	...	41	...	...
263	,,	133	2	...	80	51	16	9	52	.	...
		107	10	...	12						
264	,,	376	1	2	14	23	6	6	25	14	...
265	,,	17	1	...	42	15	26	6	16	7	...
266	,,	32	5—I	...	64	13	11	15	13	21	...
267	,,	244	20	...	16	13	25	9	14	7	...
268	,,	335	7	...	69	16	8	10	16	21	...
269	,,	30	10	...	[illegible]4	115	24	11	124	...	...
		34	15	..	32						
		90	20	...	45						
		10	12—I	...	28						

LEGISLATIVE BUSINESS.

THE TRAVANCORE TRADE UNIONS BILL.

PRESIDENT: The House will now resume consideration of the Travancore Trade Unions Bill proceed with the discussion of the following amendment moved by Mr. M. L. Janardhanan Pillai to Clause 21 of the Bill :—

> "In Clause 21, line 1, for the word "two thirds" substitute the word 'three-fourths".

MR. P. S. MAHOMED (*Co-opted*): തൊഴിലാളി സംഘടനയിൽ തൊഴിലാളികൾ അല്ലാതെ വെളിയിൽനിന്നും പ്രവേശിക്കുന്നവരുടെ സംഖ്യ വളരെ പരിമിതമായിരിക്കണമെന്നു മി. ജനാർദ്ദനൻപിള്ളയെപ്പോലുള്ള മുതലാളിമാർ അഭിപ്രായപ്പെടുന്നതിൽ അതിശയിക്കാൻ ഒന്നുമില്ല. വെളിയിൽനിന്നും ധാരാളം ആളുകൾ പ്രവർത്തകന്മാരായി ഇതിൽ ചേരുന്നതു ഉപദ്രവകരമാണെന്നും എനിക്കറിയാം. എന്നാൽ തൊഴിലാളികളുടെ സംഘടന ഇന്നു് ബാല്യദശയിലാണു് ഇവിടെ ഇരിക്കുന്നതു്. അങ്ങിനെ ശൈശവത്തിലിരിക്കുന്ന ഈ സംഘടനയെ വേണ്ടവിധത്തിൽ നയിക്കുന്നതിനു് വെളിയിലുള്ള കുറെ ആളുകളുടെ സഹായം അത്യന്താപേക്ഷിതമാണു്. തൊഴിലാളി സംഘടനയുടെ കാര്യക്ഷമമായ നടത്തിപ്പിനു് ജനകീയഭരണ സമ്പ്രദായം അത്യന്താപേക്ഷിതമാണു്. സംഘടനകൾ ശരിയായി നടത്തിക്കൊണ്ടുപോകുന്നതിനു നല്ല വിദ്യാഭ്യാസവും പരിചയവും ഉള്ള ആളുകൾ അത്യാവശ്യമാണു്. അക്ഷരാഭ്യാസത്തിൽ നമ്മുടെ രാജ്യം മററു രാജ്യങ്ങളെ അപേക്ഷിച്ചു മുന്നിട്ടുനിൽക്കുന്നുവെങ്കിലും ഈ വിഷയത്തിൽ വളരെ പിന്നോക്കമാണെന്നു പറയാതെ നിവൃത്തിയില്ല. ഈ കാരണങ്ങളാൽ തൊഴിലാളികൾക്കു് ശരിയായ പരിശീലനം കൊടുത്തു അവരെ നയിച്ചുകൊണ്ടുപോകുന്നതിനു് തൊഴിലാളികൾ അല്ലാത്ത കുറെ ആളുകൾ വെളിയിൽ നിന്നും ഉണ്ടായിരിക്കേണ്ടതു് അത്യാവശ്യമാണെന്നു കാണാവുന്നതാണു്. അതിനെ അനുസ്മരിച്ചുകൊണ്ടായിരിക്കണം എന്റെ സ്നേഹിതൻ മി. ജനാർദ്ദനൻപിള്ള ൧/൪ ഭാഗം വെളിയിലുള്ളവർക്കു് പ്രവേശനം കൊടുക്കണമെന്നു് ഭേദഗതി കൊണ്ടുവന്നിരിക്കുന്നതു്.

ഈ ബിൽ അവതരിപ്പിച്ച ഘട്ടത്തിൽ അൻപതു ശതമാനം വെളിയിലുള്ളവർക്കു് പ്രവേശനം കൊടുക്കണമെന്നു് നിശ്ചയിച്ചിരുന്നു. അതു ഇന്നു് ബ്രിട്ടീഷിൻഡ്യയിൽ നിലവിലിരിക്കുന്ന ആക്ടിന്റെ തത്വം അനുസരിച്ചാണു. ബിൽ സിലക്ട് കമ്മിററിയിൽ വന്നപ്പോൾ അൻപതു ശതമാനം കുറെ കൂടുതലായിപ്പോയി എന്നു അഭിപ്രായപ്പെടുകയും ൧/൩ ആക്കണമെന്നു തീരുമാനിക്കയും ചെയ്തു. അതു് ബ്രിട്ടീഷിൻഡ്യ

യിൽ നിലവിലിരിക്കുന്ന നിയമത്തിൽ പറഞ്ഞിട്ടുള്ള സംഖ്യയെക്കാൾ വളരെ കുറവാണ്.

MR. P. C. KURIYAN (*Kottayam I*): റായൽ കമ്മീഷന്റെ അന്വേഷണം തിരുവിതാംകൂറിൽ ഉണ്ടായിട്ടുണ്ടോ?

MR. P. S. MAHOMED (*Co-opted*) : തിരുവിതാംകൂറിന്റെ കാര്യം ഒന്നുംതന്നെ അതിൽ പറഞ്ഞിട്ടില്ല. എന്നാൽ റായൽക്കമ്മീഷൻ റിപ്പോർട്ടിൽ പറഞ്ഞിട്ടുള്ള സംഗതികൾ കൂടുതൽ യോജിക്കുന്നതു തിരുവിതാംകൂറിലെ തൊഴിലാളികൾക്കാണ്. തൊഴിലാളികളുടെ സംഘടനയും മററും ധാരാളം പ്രചാരത്തിലിരുന്ന സമയത്താണ് ആ റിപ്പോർട്ടു സമർപ്പിച്ചിട്ടുള്ളത്. തിരുവിതാംകൂറിൽ തൊഴിലാളികളുടെ പ്രവർത്തനം അന്നു നാമമാത്രമായിട്ടേ ഉണ്ടായിരുന്നുള്ളൂ. അതുകൊണ്ടാണ് ഔട്ട്സൈഡേഴ്സിന്റെ പ്രവേശനം മൂന്നിലൊന്നായിരിക്കണമെന്ന് സിലക്ട് കമ്മററിയിൽ ഭേദഗതി ചെയ്തിട്ടുള്ളതു. മൂന്നിലൊന്നോ നാലിലൊന്നോ ആക്കുന്നതുകൊണ്ട് തൊഴിലാളികൾക്ക് യാതൊരു വിപത്തും വരാനില്ലെന്ന് എനിക്കറിയാം. എങ്കിലും സംഖ്യ നിശ്ചയിക്കുന്നതിൽ നാം സ്വീകരിക്കേണ്ട തത്വത്തെ അടിസ്ഥാനപ്പെടുത്തിയാണ് ഞാൻ അതിനെ എതിർക്കുന്നത്. കാര്യക്ഷമമായ വിധത്തിലുള്ള പ്രവർത്തനം നടത്തണമെന്നേ എനിക്കുദ്ദേശമുള്ളൂ. പ്രിൻസിപ്പിൾ അനുസരിച്ച് നോക്കിയാൽ ഇന്നത്തെ നില ശരിയാണെന്ന് തോന്നുന്നില്ല. റായൽ കമ്മീഷൻ റിപ്പോർട്ടിൽ ഇങ്ങനെ പറയുന്നു:—

> "The endeavour to dictate to Unions on the subject of their officers or leaders is equally shortsighted and unwise. We have referred to the great difficulties confronting the movement, which make the employment of a proportion of outsiders inevitable. In some cases victimisation, and more frequently the fear of it, gives an additional value to the outsider. The claim to be allowed to deal only with "One's own men" is frequently little more than an endeavour to secure that the case of the men shall be presented by persons who are not likely to prove assertive. In every country much of the active work of Trade Unions, particularly in their relations with employers, is carried on by persons whose livelihood does not depend on the employers' will. We recognise, as do outsiders themselves, the weakness of the position of persons who have no direct experience of industry But this again is mainly a question for the Unions themselves, and we shall deal with it in that connection".

അതുകൊണ്ട് പ്രവേശനം കൊടുക്കുന്ന വിഷയത്തിൽ വെളിയിലുള്ളവരുടെ സംഖ്യ എത്ര എന്നു നിശ്ചയിക്കുമ്പോൾ അതു തീരെ കുറഞ്ഞുപോകാതിരിക്കാൻ ശ്രദ്ധിക്കേണ്ടതു നമ്മുടെ ചുമതലയാണ്.

MR. P. C. KURIYAN (*Kottayam I*) : വെളിയിൽനിന്നും വരുന്നവരുടെ പ്രവേശനത്തെ ഭയന്നാണോ രജിസ്ട്രേഷൻ നിർബന്ധിതമാക്കണമെന്നു പറയുന്നത്.

MR. P. S. MAHOMED (*Co-opted*) : അല്ലാ. സംഘങ്ങൾക്കു കാര്യക്ഷമതയോടുകൂടി പ്രവർത്തിക്കുന്നതിനുതക്ക ഒരു അന്തരീക്ഷം തിരുവിതാംകൂറിൽ ഉണ്ടായിരിക്കണമെന്നുള്ള ആഗ്രഹംകൊണ്ടാണ് രജിസ്ട്രേഷൻ നിർബന്ധിതമാക്കണമെന്നു പറയുന്നത്.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Sir, I rise to support the amendment. When we deal with these several Bills connected with labour legislation we shall not forget one fact. That is, the position of capital in this country. Sir, it has been represented on the floor of the House that the condition of labour in this country and elsewhere is deplorable. But what about the state of capital in this country? That is the point I wish to emphasise. After all, excepting a few factories owned by Europeans and a few big capitalists, we should say that generally the position of capital in this country is equally deplorable, if not worse.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the honourable member realises that the Trade Union Act applies both to employers as well as labourers?

MR. K. M. KURIAKOSE (*Muvattupuzha II*) That is exactly my point. But there is a feeling in this House that labour requires more encouragement, more protection than capital. It is to that feeling that I want to draw the attention of the House. Sir, our country entered into the field of industry only very recently. As such, both capital and labour should be protected from the same standard, if not on unequal basis. On account of our inability to provide funds to finance big industrial concerns, we are inviting foreign capital into our country, so that the balance of protection should be on the side of the capitalists. If only capital is well protected we can attract foreign capital. It should be a serious question before all the members of this Legislature.

With regard to the proportion of fixing outsiders in Trade Unions, personally, I do not think there is any necessity of having outsiders in any Trade Union at all. But considering the fact that Trade Unions are in their infancy and are only going to come up and that there are not very many experienced labourers to form themselves into Unions we can allow a certain proportion, and I contend that that proportion should only be just what is necessary to guide them in the proper line.

Sir, it has been pointed out more than once on the floor of this House, that it is often the outside elements that create disturbance and brings about conflicts between the employer and the labourers. The so called leaders and politicians often interfere in trade disputes uninvited and stand in the way of any settlement. Sir, had we not a living example of this kind in our discussion with regard to the registration of Trade Unions yesterday? I could not understand the position of certain members when they seemed to fight very vehemently for labour interest even when the representative for labour was satisfied with the necessity of registration. To me, Sir, it appeared that either Government went wrong in co-opting the proper member to represent

labour or that the member so appointed betrayed the cause entrusted to his care. It has been pointed out very clearly that we have in this House, nominated by the Government, accredited representatives both of labour and of capital. Now, in a point on which such representatives of labour and capital are agreed, we find others coming in to champion the cause, of labour.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I ask the member whether we are here legislating or arbitrating?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): That is exactly my point. We do not need any arbitration, since the parties themselves are agreed. We have to take an impartial view of the question. There is no need for outsiders to come in and create any disturbance. I too therefore think that the maximum percentage of outsiders might be fixed at 25. I therefore support the amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I rise to oppose the amendment moved by Mr. Janardanan Pillai. I agree that there is nothing wrong in the principle involved in the amendment; because my friend Mr. Janardhanan Pillai himself concedes that there is necessity, at any rate for some time to come, for the outside element, so far as labour in Travancore is concerned. I may point out to the House that even in British India, according to the law now in force, even after the recommendations of the Royal Commission on Labour, outsiders are allowed to hold 50 per cent. of the offices in labour associations. My friend Mr. Janardhanan Pillai quoted with approval my statement that labour in Travancore was more educated and contented and that therefore there was less necessity for the outside element in labour organisations here. I did say, Sir, that labour in Travancore was more educated. But education in arts does not mean education in organisation which is the important factor here. Travancore is as yet new to labour organisations, and to negotiations between labour and capital interests. Once we grant that it is that kind of education that we require, I am sure it will be admitted that the Trade Unions in British India which have been working for the last 10 years and more, are in a better position in this respect than we here who cannot boast of any such organisation for any period.

Another point that I wish to submit in this connection is this. If I remember right, this proportion of two thirds was suggested before the Select Committee by the representative of the employer himself.

MR. M. L. JANARDANAN PILLAI (*Co-opted*): May I remind the member that it was Mr P. S. Mahomed who suggested that proportion of two-thirds, and not I.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I stand corrected, Sir; but my friend was also in the Select Committee, and it was open to him to have moved for three-fourths instead of two-thirds even in the Select Committee. He did not do that.

PRESIDENT: Proceedings before the Select Committee need not be referred to.

MR. M. L. JANARDANAN PILLAI (*Co-opted*): A word of explanation, Sir. When I signed the Select Committee report, I distinctly stated there that I was signing subject to the amendments to be moved by me here.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): For a moment, I am not contesting the right of the member to move amendments. After all it does not make much difference whether it is two-thirds or three-fourths, because the principle is going to be the same.

Sir, my friend read out a portion from the Report of the Royal Commission on Labour, but more significantly he omitted to read certain other portions of the Report. It is stated at page 328 of that report.

> "A few of these have interested themselves in the movement in order to secure private and personal ends."

That sentence alone was quoted by my friend. He did not care to read even the very next line. Obviously, he must have had his own reasons. The very next sentence runs thus :—

> "The majority, however, are actuated by an earnest desire to assist labour. The work involving much toil and many discouragements, is nearly always unpaid, and brings more criticism than thanks. Our survey of the position will, we hope, show sufficiently clearly how necessary the assistance of these men has been in the past."

MR. M. L. JANARDANAN PILLAI (*Co-opted*) : May I ask whether that commendable reference there, to the outsider, does not relate to British India?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): This report, it is very well known, refers only to British India and not to any Indian State. That is obvious on the face of it. But if my friend can quote with approval a portion of the report which also refers only to British India, and apply it to Travancore, I fail to see the justification, the fairness or the reasonableness of my friend putting me this question when I am just quoting the further sentence to disabuse the misapprehension created by his quoting partly and suppressing greatly which, I must say, is very unfair even in controversy.

My friend, the labour member, also read certain portions from the report to show that the Royal Commission recognised the need for outside element for leading Trade Unions. He stated as one of the reasons for the outside element that those who are actually employed under the capitalists will not be assertive enough, will not be independent enough if they care for their job, to talk on equal terms with the employer. It was under such circumstances that outside element was considered to be absolutely necessary.

My friends have been saying so much about the interference, in Travancore, by outsiders with regard to labour organisation. So far as I know, Sir, in Travancore, not even 2 per cent. in the executive of the labour organisations here are outsiders. In fact there are not sufficient men coming forward to interest themselves in this thankless and difficult task. It has been stated that the outsider has created all sorts of difficulties in Travancore. That is quite opposed to facts. Sir, all the members of this House bemoan the loss of Mr. Lampard of blessed memory, who was a member of this House and with whose firm in Quilon, I had something to do in connection with labour troubles there. Sir, had he been alive, I am sure he would have testified to the fact that outsiders have always been of help to the employer

and have been able to bring about concord between the employer and the employee. There might have been occasions—I do not deny that—when political leaders might have created trouble and stirred up bad blood. But, such things happen every where and are not peculiar to Travancore. As the Royal Commission itself has pointed out, in British India also there have been such occasions. But that is no reason why we should fight against the principle of admitting the outsider altogether.

I do not think, Sir that this amendment is necessary, especially in view of the recommendation of the Royal Commission on Labour. They said that their recommendations must be put into effect only three years after the publication of the report ; because, they thought that the law then in force had not been tried sufficiently long. Three years have now gone ; yet the Trade Union law there, has not been changed. Here, we have gone a step in advance in restricting the percentage of outsiders to one-third.

Apart from that, I think the amendment is innocuous. It is not of any great use either to the employer or to the employee. I think we ought to keep in conformity with the legislation in British India as far as possible, and therefore hope that the proportion suggested by the Royal Commission will be accepted by my friend, the representative of the employers as well.

I do not think it is necessary to answer the point raised by Mr. Kuriakose.

MR. S. J. NAIR (*Nedumangad*): What does the member mean by 'outsider'? Does he refer to persons outside the movement, or persons who do not belong to Travancore?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): The word 'outsider' has got a meaning when you use it in connection with this matter; it refers to those who are not connected with any industry or labour organisation.

MR. M. SIVATANU PILLAI (*Tovala*): I support the amendment. In the first place I do not understand why this amendment must be so seriously objected to, while after all the difference between two-thirds, as provided in the Clause as it is, and three-fourths, as suggested by the amendment, is only one-twelfth. I was wondering why there must be so much debate on this small difference when everybody is agreed as to the principle involved in the matter.

As far as I have been able to follow the debate, the arguments for the objection have been hung mainly on the report of the Royal Commission, in respect of the proportion that they have suggested. It has also been suggested that, in Travancore, labour organisation is in its infancy. To my mind, Sir, this question involves two principles, one is whether it is in the interests of labour that outside element is admitted, and the other is whether labour should be given the choice in the matter

In regard to the first, it has been argued that because labour was in its infancy here, outside element must be admitted in order to guide

[Mr. M. Sivathanu Pillai.]

labour in the country. If that is all that is wanted, why not be satisfied with half-a-dozen leaders? All that the movement needs, I suppose, are five or six selfless workers who are really interested in the movement. Therefore, I do not see why there should be more than ten per cent. in any event. In our schools, Sir, we provide only one teacher for every 45 pupils. Therefore, certainly, we should be satisfied with one leader, one guide, for every ten labourers. Why should there be this two-thirds provided for in the Clause as it is, or even the three-fourths as suggested by the amendment? After all, Sir, we have not got much of labour organisations in Travancore. We have it only in a few towns like Alleppey and Quilon. It is therefore quite enough if we have a leader or two for each one of these places. Only we should have really selfless and patriotic men, other than some of those busy-bodies who unnecessarily poke themselves into these organisations for objects of their own and create mischief and unrest among labour. In British India labour organisations cover a very wide field of activity so much so that it may be possible to cover them by more number of officers than here. As a matter of fact, we do not find such patriotic men coming forward for this kind of work, to help and guide labour.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Does the member realise that the provision now under discussion relates to the proportion among the officers of these organisations and not among the general members of such organisations?

MR. M. SIVATANU PILLAI (*Tovala*): Yes. Officers must be few. Where is the meaning in multipying the number of officers? As it has been already pointed out, labour in Travancore is not only literate but also highly educated. Our labourers are able to differentiate between what is good for them and what is bad. It is therefore better that we restrict the proportion of outside element as much as possible. With these words, I strongly support the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Having heard both sides of the question, I am inclined to accept the amendment. The outsider seems to be viewed with some kind of suspicion by the employer interests. The employer does seem to be a bit ticklish about the outsider coming in. I may say that the presence of the outsider is necessary for guidance, inspiration and enlightenment. Mr. Kunjukrishna Pillai, who, we all know, interests himself much about labour conditions in Travancore, just now said that at present there was not even 2 per cent. of outsider element in the labour organisations. We have also heard him say that Travancore labour is more educated than elsewhere. He also added that there was nothing objectionable in the principle involved in the amendment. In the light of these facts, since the employer seems to look at the outsider with some suspicion, I am rather inclined to accept the amendment. The outsider is needed, as I said, for inspiration, enlightenment and intiative only. But the effective judgment must always be with the

insider. If the House is agreeable to that, I hope the amendment may be accepted.

The amendment was put to the vote of the House and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move the following amendment :—

"In line 3, for the word "industry" substitute the word "business"

It seems to me, Sir, that it would be more correct and uniform to put the word 'business' instead of 'industry'. Hence the amendment.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : The word 'industry' occurs in Clause 6 (*c*). That has not been changed. Why this change here alone ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : We are here dealing with "outsider" and "insider". I thought it would be more in conformity with the definition of "Trade Union" if we put "business" instead of "industry" here. I leave it entirely to the House.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

The amendment was put to the vote of the House and carried.

Clause 21, as amended, was then put to vote and carried.

The Clause as amended was added to the Bill.

Clauses 22 to 29.

The question that Clauses 22 to 29 do stand part of the Bill was then put to vote and carried.

The Clauses were added to the Bill.

Clause 30.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I beg to move the following amendment :

"For sub-clause (1) substitute the following, namely :—

30 (1) Whoever forms any Trade Union in contravention of the provisions of Section 14, sub-section (2), or takes any part in the functions of any Trade Union so formed knowing or having reason to believe that it has been so formed shall for every such act be punishable with fine which may extend to five hundred rupees."

This amendment does not seek to carry out anything more than what is already contained in sub-clause (1). I must say, Sir, that I am thankful to the House for their cirticism of this Clause when debating on another point. Those criticisms led me to study this Clause more carefully and it seems to me that this amended provision would be better.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*) : I second it.

The amendment was put to the vote of the House and carried.

The question that Clause 30, as amended, do stand part of the Bill was then put to vote and carried.

The Clause as amended was added to the Bill.

Clauses 31 and 32.

The question that Clauses 31 and 32 do stand part of the Bill, was then put to vote and carried.

The Clauses were added to the Bill.

Preamble.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I beg to move that —

The word 'compel' be substituted for the words 'provide for' in line 1 of the Preamble.

I submit, Sir, that the word 'compel' will more correctly express the idea of the provisions of the Bill than the words 'provide for'. The Preamble ought to state clearly and unambiguously what the purpose of the Bill is. That is all the object of my amendment.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I second the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose the amendment, Sir. If the Bill had contained only Clause 14 (2), I could have very well understood my friend's amendment and I would have thanked him for it, and accepted it. But the Bill contains thirty-two Clauses which do much more than compel, as my friend would put it. I am quite sure that Mr. Kunjukrishna Pillai has nothing in his mind against the ruling of the Chair, which ruled that the expression "provide" in the Preamble would cover "compel".

I may however add, Sir, that the expression 'provide for' is more comprehensive and more correct. It *includes* compulsion also.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, there is no use in trying to confuse the issues. This Bill is intended to provide for the compulsion of every Trade Union to get itself registered. There is no use in saying that there are other provisions also in the Bill. If the Bill contains other provisions there are also other portions of the Preamble which relate to such provisions of the Bill. I now seek to amend only that portion of the Preamble which relates to the provisions regarding the registration of Trade Unions. And, such a provision in the Bill is nothing but compulsion. Therefore it is I say that the Preamble would be giving an accurate idea of the provision in the Bill only if we substitute the word 'compel' for the words 'provide for'.

MR. P. C. KURIYAN (*Kottayam I*): Is the member in order, Sir, in making this speech now?

PRESIDENT: He was in order in moving the amendment; and I have given him the right to reply.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I do not for a moment deny that the words 'provide for' include compulsion also. But what is the harm in putting the most accurate expression? Why should you fight shy of it? You are providing a penalty for an association functioning without registration. You are therefore compelling every association to get itself registered. Why not the Preamble also make that clear. Why should you feel funky about it? There is no such thing as my questioning the ruling of the Chair. Absolutely nothing of the kind. The Law Member must not fight shy of indicating clearly and definitely what has been done. The Government and the Law

Member mast take upon themselves the responsibility for what has been done, and must not hesitate to use the most accurate expression in the Preamble.

PRESIDENT: I think the honourable member means thereby that the House must not fight shy of it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Yes, Sir, and the Law Member also should not induce the House to fight shy of putting the proper word in the Preamble. They must make bold to accept the conclusion to which they have committed themselves They must have the courage of their convictions and if they have it, the proper word for putting in the Preamble to this Bill is "compel" instead of "provide for." I am also helping the labourers by putting that word, because they will easily know what this Bill is.

PRESIDENT: Moved and seconded that the word "compel" be substituted for "provide for" in line 1 in the Preamble of the Trade Unions Bill.

The amendment was put to the vote of the House and lost.

The question that the Preamble do stand part of the Bill was put to vote and carried.

The Preamble was added to the Bill.

TITLE.

The Title was put to vote and carried.

The Title was added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have some amendments to move in the third reading of the Bill. With the permission of the House and the Chair I beg to move that the third reading of the Bill be taken up now.

PRESIDENT: If the sense of the House is that the third reading could be proceeded with now, the Law Member may move the motion.

(The House agreed.)

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to make the following amendment:—

"In Clause 11, sub-clause (3), for the words "recovered as if they had been awarded in an appeal under the said Code", substitute the words "recoverable by any Civil Court directed by the High Court as if they were payable under a decree of such Civil Court".

I move this amendment in order to make clear as to which authority should recover the costs. No definite provision is laid down in the Bill in respect of this matter. In Civil Courts when the original case is tried by the subordinate courts such courts will execute the order of the appellate authorty. In this Bill there is no such subordinate court. I should say that I thank Mr. Thanu Pillai for having drawn my attention to this aspect of it. I trust that the House will accept the amendment.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

PRESIDENT: The question before the House is that in Clause 11, sub-clause (3) for the words "recovered as if they had been awarded in an appeal under the said Code", substitute the words "recoverable by any Civil Court directed by the High Court as if they were payable under a decree of such Civil Court."

The amendment was put to the vote of the House and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the Bill as amended be passed into law.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

PRESIDENT: The motion before the House is that the Bill be passed into law.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): On a point of order. After the third reading, the Bill, has to pass through another stage so that it may begin its operation? Therefore may I submit that the Bill be passed is the correct procedure to be adopted.

PRESIDENT: Yes.

The motion before the House is that the Bill as amended be passed.

The motion was carried and the Bill was passed.

THE TRAVANCORE LIFE ASSURANCE COMPANIES BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to present the report of the Select Committee on the Travancore Life Assurance Companies Bill and beg to move that the Bill as reported be taken into consideration.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

The motion was carried.

Clauses 1 to 3.

The question that Clauses 1 to 3 do stand part of the Bill was put to vote and carried.

The Clauses were added to the Bill.

[At this stage the Deputy President occupied the Chair.]

Clause 4.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): I beg to move:—

"In Clause 4, sub-clause (1) line 6, substitute "ten" for "twenty-five".

Clause 4 relates to deposit that an Insurance Company has to make, to start with. In the case of Companies that are functioning from the commencement of this Regulation they must make a deposit of Rs. 25,000. This process of depositing must continue till the deposited sum comes to Rs. 2 lakhs. In British India when the Bill was first introduced there was a great protest from the public and the Select Committee found it necessary to reduce Rs. 1 lakh to Rs. 25,000. Sir, in Travancore the conditions are much worse than in British India. In British India there may be a good number of capitalists who may be

able to make such big deposits and start the business of life assurance. In Travancore there are very few capitalists and even those few are very shy of beginning such concern. There are small Companies here which will find it difficult to make such a big deposits. Though a Company may be small it may be carrying on its business very well. It may get the confidence of its clients. It is possible that a Company may be doing its business most scientifically even though it is a small Company. Will those small Companies be able to make such a big deposit? I submit they will not. Are such Companies to be closed simply because they happen to be small? I am aware that the security of policy holders is the primary concern of the Life Assurance Companies. Yet I ask whether it is not sufficient that they be asked to make further deposits year by year and thus reach a sum of Rs. 2 lakhs. My only point is that the first, that is, the initial deposit should be reduced to Rs. 10,000. I do not say that its further deposits should be reduced.

We must remember in this connection that Companies registered in British India but which have their branches here have to make no initial deposit here. They will have only to get a declaration. Our small Companies will have to compete with the big British Indian Companies.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Are there foreign Companies that are registered in Travancore apart from the branches of them?

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): I am sorry, I did not hear the honourable member.

The only question is whether initial deposits to be made by our Companies should be Rs. 25,000 or Rs. 10,000. I do not want to make a further reduction in their deposits. My point is that their initial deposits should be Rs. 10,000, but further deposits may be as is provided for in the Clause, till the amount is Rs. 2 lakhs.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose the amendment. Mr. Sivaraman Nair has already pointed out that the provision in the British Indian Act which lays down that the Companies should deposit a sum of Rs. 25,000. His plea is that, in Travancore, these Companies should be allowed to start on a reduced amount as initial deposit. I entirely disagree. The Life Assurance Companies must be more solvent than any other Companies because they have to deal with men's affairs after they are dead and gone. It is the bounden duty of the Legislature to see that Life Assurnace Companies are placed on a very solvent condition from the very start. If a Company is registered in Travancore it may not have sufficient scope in Travancore for its proper working. It has to go to British India and elsewere and work there. In that case if the British Indian people come to know that the initial deposit of those Companies is smaller in Travancore, they may think that the Company is not in such a solvent condition as the Companies of British India.

[Mr. Kayalam Paramesvaran Pillai.]

British Government may not also recognise the Travancore Companies as fit to work in British India. For this reason also we have to follow the same rule as in British India.

DEPUTY PRESIDENT: The question before the House is that in Clause 4, sub-clause 1, line 6, substitute "ten" for "twenty-five".

The amendment was put to the vote of the House and lost.

The question that Clause 4 stand part of the Bill, was put to vote and carried.

The Clause was added to the Bill.

Clause 5.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): I move the following amendment:—

"*In Clause 5 before the explanation insert the following:*

The Life Assurance Fund of every Life Assurance Company shall be invested in Government securities as defined by Travancore Government Securities Regulation, III of 1099 or in such other securities as notified in Our Government Gazette."

Section 5 relates to the separation of the life fund. When Life Assurance Companies are also transacting other business than life assurance they are to have a separate fund called the life fund. My amendment says that such life fund must be invested in Travancore Government securities or such other securities so notified in the Travancore Government Gazette.

The Law Member stated when he opposed my previous amendment that the security of the policy holder is the primary concern of the Life Assurance Companies. I concede that. That is why I have proposed this amendment. In British India when this Section was incorporated in the Bill there was a great difference of opinion about this. In the Select Committee there was a minute of dissent. Some members of the Committee held that there must be greater security in India than elsewhere for the policy holders. The minute of dissent reads thus:

"We are of opinion that in view of the circumstances of this country, it is not desirable that Insurance Companies should have unrestricted freedom in the matter of investment of funds. The protection of the interests of the policy holders is of paramotunt importance, and in our opinion, as in that of several local Governments and qualified persons, the Bill does not provide adequate safegaurd for this purpose. We consider it necessary that the law should expressly lay down that the greater portion of Insurance Fund should be invested in one or more of the securities specified in S of 20 the Indian Trusts Acts."

Sir, when the British Indian Bill of 1912 was circulated to the different Provincial Governments, most of them expressed the opinion that the security of the policy holder in India required greater protection than elsewhere. All the chambers of commerce in British India were also of the same opinion. They all were of opinion that some sort of restriction should be made in the investment of funds.

Under the Section we find an unrestricted right of the management to invest their funds in any manner they choose. They may invest it in commerce or any other speculative concern. The question is whether we should allow that.

The money invested in a Life Assurance Company is in the nature of trust money. The Company holds that money in trust for the policyholders or their nominies to be paid to them whenever the contingency insured against occurs. It will be a poor consolation to him then to say that the money is invested in trade or some such concern. There must be ready money. It is safer to make a provision restricting the power of investing this trust money in whatever concern they choose.

To me it appears that simple and uninformed as the bulk of the assured are, it is the duty of the Government to see that they are not made the dupes of speculators and cheats. It may be said with great force that under the peculiar circumstances in this country the Assurance Fund should not be invested in any except undoubtedly good and safe securities. We are aware that assurance business and insurance are exotic in Travancore and over and above the ignorance which prevails among the masses, there is even amongst the educated class a total lack of knowledge on the subject. Hence the greater need of investment of life funds in only safe securities.

Publicity will not be of much use to the ignorant policyholder. The Government—slow as we know its movements are may step in but it may be after the mischief has been done.

To me it appears, Sir, that the policy-holders in Travancore require greater protection than in British India or inEngland. Hence my amendment.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I second the amendment. In doing so I beg to submit that the Life Insurance Act is now being reconsidered by the British Indian Government. The present Bill is drawn up on the lines of the British Indian Act which will soon be amended. Sub-clause (*d*) of Clause 40 of the Bill is a new Clause introduced by the Select Committee. It says: —

> "provided that any portion of the investments of any Life Assurance Company carrying on business within Travancore shall be in such securities as may be notified by Our Government in that behalf in Our Government Gazette."

This provision to some extent provides for the amendment now proposed. No doubt the amendment now proposed is more extensive in its scope. From what I read about the new changes proposed to be brought about in the British Indian Act, I find that it is something like the one contained in this amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose this amendment. Mr. Krishna Pillai rightly pointed to an important provision made by the Select Committee which may be availed of to compel that portions of the investments of a Life Insurance Company shall be in Travancore. To that extent I agree with the sentiments expressed both by the mover and seconder of the amendment. But I cannot accept the amendment. The amendment is —

> "The whole of the Life Assurance Fund of Travancore Companies should be invested in Travancore and the Companies having head office outside Travancore but carrying on businers in Travancore should invest in Travancore from their Life Fund not less than the share of their business in Travancore".

[Mr. Kayalam Paramesvaran Pillai.]

If the whole thing is inserted thus, wherefrom money is to come when an insured man dies. Money must be available for paying the claims. If not the fundamental object of Life Insurance will be defeated. For that simple reason this amendment cannot be accepted.

Apart from that objection to this amendment, we can, no doubt, agree that the investment of such funds as are available, must be in certain specified securities. But to say that it must be in Travancore may be objectionable as well as impracticable. If we make such an enactment there may be retaliation from other quarters. Moreover there will not be people for investment from outside Travancore. There is no guarantee of Travancore securities being available. Therefore it is best to make a provision to give power to the Government to frame appropriate rules.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): I do not press the motion.

The motion by leave was withdrawn.

The question that Clause 5 stand part of the Bill was put to vote and carried.

The Clause was added to the Bill.

Clauses 6 to 41.

The question that Clauses 6 to 41 stand part of the Bill was then put to vote and carried.

The Clauses were added to the Bill.

SCHEDULES I to VI.

The question that Schedules I to VI stand part of the Bill was then put to vote and carried.

The Schedules were added to the Bill.

Preamble.

The question that the Preamble stand part of the Bill was then put to vote and carried.

Title.

The question that the Title do stand the Bill was put to vote and carried.

The Title was added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As no amendment has been carried, I beg to move that the Bill be passed.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

The motion was put to vote and carried.

The Bill was passed.

[At this stage the President occupied the Chair.]

THE TRAVANCORE CIVIL COURTS' POWERS (AMENDMENT) BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Travancore Civil Courts' Powers (Amendment) Bill be continued.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I oppose it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): This motion is made under the proviso to Standing Order 4. It reads thus:—

> "Provided that, if the member in charge of a Bill makes no motion in regard to the same during two complete sessions, the Bill shall lapse, unless the Assembly, on a motion by that member, in any future session of the same assembly, makes a special order for the continuance of the Bill."

Sir, I am bound to explain to the House why this Bill was not proceeded with till now. The Bill was introduced in 1933 and was referred to a Select Committee on 21-11-1933. The Select Committee reported on 15-11-1934. The report of the Select Committee was presented to this House on 24th January 1935, that is immediately after the submission of the report. On that occasion the report was merely presented and no further motion was made. That was not the usual procedure regarding Bills. Ordinarily, when the report is presented, a motion is made that the Bill as reported may be taken into consideration by the House, In this case, it was not done. The reason was this. The Bill was based on certain recommendations of the Law's Delays Commissioner, which recommendations were sought to be implemented by the Bill. These recommendations had also the approval of the High Court. On the strength of all this, the Bill was introduced, and was in the usual course referred to a Select Committee. The Select Committee, as may be seen from their report, practically turned down all the provisions. The Committee upheld only one provision which was not very useful and they deleted all the rest. And thus the very purpose of the Bill was defeated. In these circumstances, the question was what course I should adopt. Even though the Bill was rejected by the Select Committee I might have moved amendments for the consideration of this House. But having regard to the fact that the Bill originated immediately from the High Court, Government had to consult the High Court again. This took time. There was one particular reason why the High Court had to be consulted.

The report of the Select Committee says in paragraph 2:

> "Having regard to the intimate bearing of these provisions on the working of the Courts and the repercussions that these provisions, if accepted, may have on the administration of justice in the State, the Committee issued an invitation under Standing Order No 35 (4) to Mr. Joseph Taliath, Chief Justice, requesting the presence of either himself or any of his brother judges at the sittings of the Committee so that the Committee may be in a position to elicit material facts and views touching the proposed provisions, the working of the Courts in these directions at present and the effect of the provisions or any modification

[Mr. Kayalam Paramesvaran Pillai.]

of the provision, if accepted, on the work of the Courts and, in short, to tell the Committee the Judiciary's view on these matters. The Law Member was able, no doubt, to supply the Committee with the Government's views and he represented the Judicial Department's view too, as known to him. But the Committee thought that before they can take the responsibility of recommending the acceptance of the provisions of the Bill, it was their duty to ascertain the view of gentlemen occupying the highest grade in the Judiciary. The Judges of the High Court, however, did not respond to the invitation. The Committee had not, in the circumstances, the benefit of their views".

Thus it will be seen that the Committee felt that the views of the High Court were denied to them. Naturally therefore I felt it to be my duty to place if possible before this House the views of the High Court. On being consulted Mr. Joseph Taliath sent at first a memorandum to Government expressing his views, printed copies of which have been circulated. Subseqently the High Court as a body considered the matter and sent a memorandum which also has been printed and copies circulated to members of the House. The defect which may be said to have operated in respect of the progress of the Bill is thus sought to be rectified by the supply of the considered views of the High Court. It will be seen that the most serious objection raised was in regard to the enhancement of the small cause jurisdiction of Munsiffs. On this the High Court has said they are not very particular in changing the existing provision. Thus the High Court has met the Committee half way in this matter and this will be taken to be a substantial gain by all those who opposed the Bill. They have also agreed that appeals against some decisions of Munsiff's Courts may lie to the High Court. The opponents of the Bill have gained two points at any rate, and the delay has not been fruitless and is therefore excusable. It is reasonable therefore for the House to allow the continuance of the Bill.

PRESIDENT: Moved and seconded under Standing Order 4 that special orders for the continuance of the Bill be given.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): I oppose this motion, Sir, and I move that the Bill be recommitted to the Select Committee.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is quite open to the member to make this motion but it must come after the Bill is orderd to be continued.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*): Sir I oppose the motion. In opposing I may say a few words. The Law's Delays Commissioner was appointed by Government by the order of 3rd April 1930 and the Commissioner submitted his report on 30th Tulam 1107 basing his observation on the figures then available. Soon after the report was submitted by the Law's Delays Commissioner both the High Court and the Government examined the proposals contained therein and a Bill was drafted and published in the Government Gazette and was introduced into this House for consideration. The principle underlying the Bill was that some method should be adopted to obviate the delay in disposing of cases, and accepting that principle, the Bill was

introduced in the Assembly and was referred to a Select Committee. The Select Committee turned down all the proposals contained in the Bill except one, *i. e.*, that the pecuniary jurisdiction of the lower courts should be raised to Rs. 2,500. Sir, most of the proposals contained in the Bill were mentioned in the recommendation of the Law's Delays Commissioner. Those provisions if enacted would only be conducive to reduce the number of cases of appeals which come to the High Court. Sir, after the Select Committee had submitted this report in the year 1934 the conditions then prevailing have altered considerably and were different from the conditions that prevail now. In order to obviate the delay in the disposal of cases in the High Court, Government have appointed two more Judges in the High Court. Sir, as I have already submitted, the statistics collected by the Commissioner were of cases pending during the years from 1100 to 1106. Sir, the reason why such a great number of appeals and suits were pending in the High Court and the courts subordinate thereto was that immediately after the passing of the Nair, Ezhava and Vellala Regulations many suits for partition were filed, most of which have since been disposed of. The other day we passed a Bill which provided that money suits should be referred to Conciliation Boards: not only suits but execution of decrees as well. So it is not at all likely, Sir, that more suits would be coming in hereafter in the various grades of courts in the land. It is not at all likely that there will be a rush in the courts. Sir, to me at any rate it is obvious that for a solution of this problem a little more care should be bestowed on the choice of persons to preside over these courts. Now at any rate it is not the opportune moment for us to consider a Bill which has been turned down by the Select Committee and as such I oppose the motion.

PRESIDENT: It has been moved by the Law Member and duly seconded.

The motion was put to vote and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg now to move that the Bill as reported by the Select Committee be taken into consideration.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

The House adjourned for lunch at 1 P. M. and met again at 2 P. M., with the President in the chair.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): Sir I rise to move that this Bill be re-committed to the Select Committee, be sent back to that same Committee for a fuller consideration of the various facts and figures. The Law Member explained the unfavourable circumstances under which the Select Committee was obliged to work. I wish to add one fact to what he has stated. The ground on which the Honourable High Court raised their objections was that they did not think it was proper for them to have any share in the actual work of legislation. We find that with regard to the Agricultural Debtors' Bill and also with regard to this Bill, the opinion of the High

[Sadasya Tilaka T. K. Velu Pillai.]

Court had been asked. They were called upon to express their opinion with regard to these two Bills and the High Court did give their opinion.

The mistake that the High court committed in this case was a fundamental one. The Committee thought that the presence of the learned Chief Justice or one learned Judge of the High Court was necessary because, for a very long time there had been an impression in this House that the Judiciary was not doing their work properly. It was thought that if the right type of men were appointed, the higher Judiciary may do more work. I refer to a sentence or two in the speech of Mr. P. K. Narayana Pillai, a member of this House. He said in August 1933, that the causes which had been dealt with by the Law's Delays Commission seemed to call for further consideration as regards the personnel of the court and the efficiency of the Bar and the bench. He also said that the inspection of the courts was only a routine inspection of the registers preserved in the courts. The Administration Report (Proceedings, dated the 17th Feburary 1933,) records that the "Government are constrained to observe that the work of the Munsiffs has been deteriorating and they look to the High Court to take the necessary action with a view to improve the situtation". It is again recorded that "Government also regret that they were not able to record satisfaction of the work of District and Session Judges." and Mr. Pattom Thanu Pillai asked, "are not the Government convince that the High Court feel that they are not in a position to improve the situation. He observed that Government ought to take action on the report of the the Law's Delays Commissioner and the recommendation of the High Court relating thereto.

Statements like these were made elsewhere as well. I do not want to detail them. Considering the volume of feeling and opinion on this matter the Select Committee, which was appointed by this House to consider this question, thought that, if there was an exchange of views, it was possible to understand what the arguments of the High Court were on each of these questions. The High Court are the body most interested in the proper administration of justice. The Bill seems to have secured their approval, so that it was for them to facilitate the work of the Select Committee. I submit, Sir, that this was not done and the Select Committee was therefore obliged to consider the Bill without the valuable information which could have been given by the High Court. The High Court, no doubt, deputed the Registrar. Sir, the Registrar could only bring figures and possibly certain definite views expressed by the Judges. The expressed opinion of the Judges would probably undergo a revision when the Select Committee put their point of view to them. The difficulty arose because the High Court would not help us.

There was a Memorandum prepared by the High Court Vakils' Association, the premier association of its kind in Travancore. They expressed themselves clearly against most of the provisions of the Bill

and they gave elaborate reasons so that the best thing to test the accuracy, the correctness of these opinions would have been to put points to the High Court Judges and to get explanations, amplifications and corrections on them. If that was done the Select Committee would have been able to do its duties properly. I give one or two examples. I may mention that the enhancement of small cause jurisdiction of the Munsiffs was a debatable point. The Law's Delays Commissioner admitted that there was a large volume of opinion against it. The Vakils' Memorandum examined the figures and said that the small cause jurisdiction of the Munsiffs should not be enhanced. They also quoted a dictum from a judgement of Mr. Justice Taliath that the "the power of revision of the High Court was quite inadequate to combat the danger of summary power arbitar-arily exercised by the Munsiffs". With regard to the jurisdiction over the original suits, the Vakils' Memorandum pointed out that only 282 suits of the value of over 2,000 rupees were filed every year, of which only 60 were over Rs. 5,000. Considering the circumstances that the number of original suits above a certain value was so small, the Memorandum said that ordinarily a District Judge or an additional Judge would get only two cases a month. Considering the importance of the body which gave this information and considering also the strong opinion expressed in various platforms and in this House, we thought that if there was any strong point in the suggestions made by the High Court, we should consider them carefully.

I also wish to mention in this connection that the Select Committee was not able to record proper findings and to make a proper report, so that, this House has been deprived of the benefit which the Select Committe could have given if facilities were offered. Now, we find that the Select Committee's opinion was forwarded to the High Court, and in the opening sentence of the Memorandum the High Court say that the Select Committee turned down some of the Clauses of this Bill. Why did the Select Committee turn down the Clauses? Because the Judges would not come and give us their views. There is no Legislature in any part of the world where instead of the Select Committee, the opinion of the High Court is adopted. The High Court considered the report of the Law's Delays Commissioner. A Bill was drafted accordingly and introduced into this House by the Law Member. The High Court are now furnishing further directions for the Law Member to follow.

Making the law, is the business of this House and of the Select Committee which it appoints. The business of the High Court is to interpret the law and to decide cases. I subscribe to the view that there must be judicial independence. But that is in regard to the decision of cases. If this House wants to interfere with the action of the judiciary in the control and disposal of cases, I certainly think the High Court must allow that.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): May I know whether there is any instance in which a Judge of the High Court has been asked to appear before the Select Committee?

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): Where ? In Travancore ?

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): In Travancore.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): Sir, precedents there cannot be in this, because for years and years together the Chief Justice of the High Court was an honourable member of the Legislative Council. The question of comparative prestige does not arise. Afterwards there were not many legislative enactments in which we had to seek the opinion of the High Court as in the case of this Bill. I may point out to Mr. Ulloor that in the House of Lords there was a debate touching this matter. Two years ago, in December 1934, the point arose in the House of Lords between the Lord Chancellor and the Lord Chief Justice. It is interesting to note that Lord Hewart, that champion of judicial independence, did not question the right of the Lords to interest themselves in the working of the courts. His objections to the Supreme Court Amendment Bill was that the Lord Chancellor moved the second reading of the Bill without showing him the draft. Here, Sir, such a complaint cannot be levelled against the Legislature. The Select Committee desired to consult the High Court and invited the Judges. But the Judges refused to come and give their opinions. They declined the chances of an open dignified discussion. The High Court are the party most interested in working down the arrears, but they would not afford the necessary facilities for testing the correctness of their recommendations. The learned Lord Chief Justice did not refuse to represent his views. On the other hand his complaint was that it was done behind his back. It was laid down that while the Legislature cannot interfere in the actual decision of cases, the procedure of courts, the way in which the business of the court is conducted, is a matter which comes within the right of every Legislature. This House might very well remember that year after year, at the time of the budget discussion, we have been giving suggestions for the proper conduct of the Judicial Department including the High Court and the High Court were taking our suggestions into consideration. In this case it is not a question of a Judge appearing before the Select Committee as though he was a witness in the technical sense. The Select Committee desired to obtain the views of the High Court in order to discharge its duties efficiently. The High Court would not respond. Now, the House will realise what has happened. Instead of the Select Committee considering the views of the High Court, that tribunal has sat in judgment over the decisions of the Select Committee. The process of legislation has been violated so that if this House proceeds further with this Bill, it would mean that instead of the Select Committee's Report the High Court's recommendations have to be depended upon. So far as the general business of the Court is concerned, I have already stated that we have a right to interfere The Government are above the High Court in the iradministrative capacity and they will have to issue a direction to the High Court to help the Select Committee. I submit

this respectfully for the consideration of the House. If this is the case no Select Committee would be able to do any work. To-morrow the Select Committee may invite the Darbar Physician or the Chief Engineer. Those officers may follow the example of the High Court. The Superintendent of Archaeology and the Anchal Superintendent will follow suit. Rule 35, Clause 4, says distinctly that the Select Committee may call persons before it and ascertain their views to see that laws are properly passed after understanding all the facts. No exemption is made in the case of any officer and no exemption exists in the case of the Judges of the High Court. It is quite wrong on the part of any officer to refuse to come.

MR N E. VARUGHESE (*Tiruvalla I*): May I know whether the High Court have sent a reply?

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): Yes. The Ag. Chief Justice replied to the effect that they should have nothing to do with matters of legislation.

But, Sir, the High Court were prepared to express their views on the Agricultural Relief Bill and other measures, before this House. It is the Memorandum which they have sent to Government on the Civil Courts Bill, which had been printed and circulated by Government among the members of this House. It is that Memorandum which this House is asked to consider. I maintain, Sir, that in these circumstances, the ground alleged by the learned Ag. Chief Justice for refusing to comply with the Select Committee's invitation, is clearly unsustainable.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Is it not a contempt of the privileges of this House?

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): If I were in England and if I were speaking in the House of Commons, I should have immediately answered that it was a contempt; but, here though the rule is enacted there is no sanction attached to it. I considered whether any action could be taken under the Criminal Law, when persons refuse to attend the meeting of the Select Committee to which they were asked to come. But there are difficult questions connected with it, as for example, whether a letter sent by the Chairman of the Select Committee desiring the attendance of an officer amounts to the act of a public servant.

PRESIDENT The House is not considering the sanction imposed on the High Court.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): I shall drop that line of argument, I may submit for the consideration of the House that in order to see that work is done properly, in order to give proper facilities to the Select Committee to do its work, the learned Ag. Chief Justice or any other Judge of the High Court could have given suggestions, which could have been examined by the Select Committee. But, the Committee was denied the chance of doing that.

I object to the procedure now proposed to be followed by the House.

MR. P. C. KURIYAN (*Kottayam I*): When the Honourable High Court replied that they would not send one of the Honourable Judges of the High Court, did the President of the Select Committee report the matter to the Dewan?

MR. SADASYA TILAKA T K. VELU PILLAI (*Trivandrum—Urban*): I did not, because I did not want to drag the Dewan in this matter, especially since I knew that it would come up before this House.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Was it brought to the notice of the President of the Assembly?

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): I do not know whether I shall be justified in disclosing what happened as a consequence of the reply of the High Court.

PRESIDENT: It is for the honourable member to regulate his own method of debate.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): Therefore, for the protection of the rights of this House, I suggest that this Bill may be sent back to the Select Committee so that the views of the High Court may be once more examined. With these words I move that the Bill be recommitted.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Is there any guarantee that, if the Bill was recommitted, the High Court Judges would attend the Select Committee?

MR. S. J. NAIR (*Nedumangad*): I second the motion made by the honourable member Mr. T. K. Velu Pillai. Sir, when the Select Committee sent up an invitation to the Chief Justice of the High Court, and requested him to be present at the Select Committee meeting and to help the Committee with his suggestions and views on this Bill, or at least to send one of his colleagues to the meeting, he was not good enough, kind enough, courteous enough, to accede to our request, while, as a matter of fact, under Standing Order No. 35(4), we were entitled to have their assistance. Meanwhile, at the instance of their Honours the Judges of the High Court, their views on this Bill have been printed in the shape of a Memorandum and circulated to the members of this House. If their Honours, as they have stated in their reply to our invitation, really thought that they have nothing to do with the Legislature, I do not see why they should have thought it fit or necessary to give us this Memorandum.

Sir, they say in the first paragraph of their Memorandum—

> "......the unsatisfactory condition of the pendency of cases will continue and will become more acute in course of time. The only other alternative is for the Government to appoint more officers to the various grades of Courts."

Even if we appoint one Munsiff for each pakuthi and a District Judge for each taluk, even if we go on multiplying the number of Judges in the High Court, the question of law's delays will not be solved in this State unless the fundamental mistake in the matter of recruitment to the judiciary is rectified. Sir, judicial officers must never be recruited on the principle of communal representation. Having adopted the principle of communal represtation in the matter of recruitment in the judiciary, the merit, ability and efficiency of the judiciary have

considerably deteriorated in recent times. It is high time that communal considerations are done away with in the matter of recruitments of judicial officers in the State. With these words, I support the motion for the recommittal of the Bill to the former Select Committee.

MR. P C. KURIYAN (*Kottayam I*): Sir, I also oppose the motion, and I do so for some weighty reasons. First of all, Mr. Velu Pillai did not answer the question put to him by Mr. Thanu Pillai. Mr. Thanu Pillai asked whether there was any guarantee that, if the Bill was recommitted, the Chief Justice or any of the other Judges of the High Court would attend the meeting of the Select Committee. That is a question on which none of us can give a definite assurance. Therefore, no useful purpose would be served by our recommitting the Bill to the Select Committee.

Secondly, when the High Court refused to accede to the invitation extended to them by the Select Committee, the President of the Select Committee should have addressed the Government on the matter. That has not been done. In that respect, they have failed in their duty. They have not done all that they could have done in the matter. We could have known whether after all it would be possible to get a Judge of the High Court to sit at the Select Committe.

PRESIDENT: It is nobody's case that the Judges of the High Court were asked to sit with the members of the Select Committee.

MR. P. C. KURIYAN (*Kottayam I*): Further, the honourable High Court has furnished us with a memorandum on the Civil Courts Powers Bill. Their views we have in that memorandum. There is therefore no need now to examine any of the Judges of the High Court on the matter. The House can deal with the Bill straightway.

With these words, I oppose the motion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, the views of the High Court have been printed and circulated to the members of this House. If the House really thinks that any useful purpose would be served by the Bill being recommitted, I have no objection whatsoever. But I must make it absolutely clear that I do not agree with certain observations made by some of the honourable members in support of the proposal. That apart, if the House thinks that any useful purpose would be served by the Bill being recommitted, certainly Government have no objection.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I oppose this motion. So far as I have been able to understand, my friend Mr. Velu Pillai has made this motion in the hope that it would be possible for the Select Committee to get the Chief Justice or one of other Judges of the High Court to attend the meeting of the Select Committee when this Bill is discussed there. I do not think that would be possible at all, especially since we have been given copies of the Memorandum of the High Court on this Bill. Now, having gone through the Memorandum, I fail to see what purpose would be served by the Select Committee discussing this Memorandum in the presence of a Judge of the

[Mr. A. Thanu Pillai.]

High Court. This Memorandum has been in our hands, and everyone of us must have read it. For my part, I do not think any useful purpose would be served by the Bill being recommitted.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): I also rise to oppose the motion. It was argued that one of the Judges of the High Court should be present at the meeting of the Select Committee when this Bill is being considered. Even assuming, for argument's sake, that one of the Judges of the High Court will be present at a future sitting of the Select Committee, and that it will be possible for the Select Committee to persuade that Judge to change his views on the Bill, where is the guarantee that the other Judges of the High Court will also change their views accordingly? Therefore, absolutely no purpose will thus be served by one of the Judges attending any meeting of the Select Committee.

Further, all that the High Court have to say on this Bill is now before us in this Memorandum, and we have simply to proceed with the consideration of the various provisions of the Bill, together with the views of the High Court expresed in their Memorandum.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Sir, I rise to oppose the motion for the recommittal of the Bill, but I do it with some reservations. It will be seen, from the original Bill as compared or contrasted with the Bill as it has emerged from the Select Committee, that the parties concerned-whoever they may be—I am not casting any reflection on any particular individual-have lost their temper at one stage or another. It is stated that a request was made to the High Court that one of the Judges should be pleased to attend the meetings of the Select Committee and give the Committee the benefit of his suggestions and views, and that, somehow or other, that request was turned down, and out of a spirit of mischief, as it were...............

PRESIDENT: Order, order.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): The result is that some of the important provisions that found a place in the original Bill have been left out. The Select Committee have particularly marked out the High Court Judges; that is clear from their Report. Because, one of the objects in bringing a measure like this was to give some relief to the High Court where, during the last many years, arrears have been accumulating. We find that in the Bill as it has been revised by the Select Committee, the provisions intended to give the High Court the much-needed relief, are conspicuously absent. Therefore, it is clear that at some stage or other the parties concerned have lost their temper.

The measure has now been placed before us for our consideration and the Memorandum containing the views of the High Court is also before us. Why should the Bill be recommitted and allowed to hang fire any more? The Memorandum, it is seen, has been published by their Honours, two Chief Justices of the High Court. At page 11 of the Memorandum, it is stated:

"Judged by any test, the position at the present day is one of extreme gravity and urgency."

Sir, the matter being so very urgent it is not at all proper that this House should recommit the Bill for the deliberation of another Select Committee and waste more time over it. Sir, let us forget the past. Let us make the best out of a bad bargain. I would submit that in order to get the benefit of the weighty advice and valuable assistance of the High Court, one of the Judges of the High Court or the Chief Justice, might be co-opted as a member of this House for the consideration of this Bill so that he would give us the advice that we stand in need of. With these observations, I oppose the motion.

MR. N. E. VARUGHESE (*Tiruvalla I*): Sir, I also oppose the motion. It might be said that the High Court were not correct in refusing to comply with the requisition of the Select Committee. My opinion is that the High Court had sufficient reasons for not complying with that requisition. The High Court must be above all controversies. The Judges of the High Court are to expound and interpret the laws of the land as passed by this Legislature. If they happen to take part in the proceedings for passing enactments they will not be able to interpret law independently. Therefore I do not think there can be any criticism against the High Court in refusing the requisition of the Select Committee. They have given a Memorandum giving their views. It is open to the members to read that Memorandum and come to a decision.

If the motion for recommittal is passed we shall only revert to the previous position. The High Court are not likely to change their views. But there is urgent necessity for clearing arrears in all the courts. So the sooner we pass this Bill, the better.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Sir I oppose the motion for recommittal for the simple reason that we members of the Legislature are experts in the art of legislation, whereas the Judges are merely critics of the laws passed by us. As members of the House, who are lawyers practising in the courts will remember, statutes passed by the Legislature are sometimes criticised by the court as defective. That shows that they are always occupying the position of critics. We are more like doctors; they are merely undertakers.

PRESIDENT: The honourable member may perhaps diagnose the cause.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): I mean legislation itself. That shows that it is not always an advantage to have Judges sitting with us when we are actually taking up legislation. Not only in India but also in England Judges are always finding fault with the wording of the statutes passed by the Legislatures. If we drag them in here also they will be mere destructive critics. Therefore the best thing is to keep them where they are and let us ourselves go on with this business because as I said we are experts in legislation.

PRESIDENT: Before the discussion proceeds further, I think I may mention to the House that according to parliamentary and legislative procedure, there is no objection to a Select Committee requesting the Chief Justice or any Judge to be present at and to help, the Select Committee with their advice and guidance in matters appertaining to legislation. There is no objection to that. Therefore, the discussion need not hereafter range round the question of any privilege on the one side or any refusal on the other side. The debate may be continued on the merits of the motion as apart from these matters. In other words, if the Select Committee of this House or of the other House desires the attendance of the Chief Justice or any Judge for the purpose of helping them or guiding them in the course of their deliberations, there is no objection to the Judges attending.

Does any honourable member wish to address the House? (*No member rose in his seat*).

The question that the Travancore Civil Courts Powers (Amendment) Bill be recommitted to the Select Committee was then put t vote and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, before we pass on to the next business I have to make another motion on this Bill. One member of the Select Committee, Mr. P. K. Narayana Pillai, is not able to attend it. I would therefore propose that Mr. Thanu Pillai be added.

MR. K. R. ELENKATH (*Kalkulam I*): Has Mr. Narayana Pillai sent in his resignation or expressed his inability to attend?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, he has not. I would make the motion that Mr. Thanu Pillai be *added* to the Select Committee.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second the motion.

The motion was put to vote and carried.

[At this stage the Deputy President took the Chair].

THE TRAVANCORE IDENTIFICATION OF PRISONERS BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to introduce a Bill to authorise the taking of measurements and photographs of convicts and others entitled "The Travancore Identification of Prisoners Bill" and beg to move that the Bill be read in the Assembly.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second the motion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I shall now briefly explain the principles of the Bill. The object of this Bill is to provide legal authority for the taking of photographs, finger impressions, foot-prints and measurements of persons

convicted of, or arrested in connection with certain offences. The value of the scientific use of finger impressions and photographs as agents in the detection of crimes and the identification of criminals is well-known; and the value, for the same purpose, of all anthropometric measurements has also been recognised. The existing system by which the Police take finger impressions, photographs, etc., of criminals and suspected criminals is void of legal sanction; and it has been brought to the notice of Government that the Police are handicapped thereby. This Bill is accordingly proposed, and it is drawn on the lines of the British Indian statute on the subject.

MR. S. J. NAIR (*Nedumangad*): Sir, I oppose the motion for the introduction of the Bill. The Bill is mischievous and insulting. It is said that the Bill wants to give legal sanction for the taking of photographs, finger prints and measurements of not only convicted persons but also of persons who have not been convicted, but merely arrested.

Any person and every person is likely to be arrested by the Police for any imaginary crime. When a crime is investigated and found by a court of law that the man is innocent the man will be honourably acquitted. But this Bill gives a free hand to the Police, and very wide powers to them, which they are sure to abuse at any moment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): What is the harm in giving the Police power to take the measurements of persons and foot prints?

MR. S. J. NAIR (*Nedumangad*): Taking of measurements of body and of foot prints is really insulting. As a result of this Bill this Legislature is indirectly permitting honourable citizens to be insulted. No man's honour would be safe. As for that matter no man's life would be safe. Suppose an honourable and innocent person is caught by the Police and ordered to lie down for taking foot prints and measurements (*Laughter*) and he refuses to allow the Police taking such measurements. I am sure the Police will torture him.

MR. K. PADMANABHAN (*Chirayinkil I*): Is it in the man's lying down the question of insult arises?

MR. S. J. NAIR (*Nedumangad*): Yes.

DEPUTY PRESIDENT: I think the expression "lie down" may be avoided, because, so far as I have heard I did not hear the Law Member using that expression. Mr. S. J. Nair will cease to say such things because it is irrelevant.

MR. S. J. NAIR (*Nedumangad*): For the consideration of the House I submit that this Bill gives legal authority for taking photographs, finger impressions, foot prints and measurements of persons etc. How is it possible to take measurements of persons if a Police officer takes it into his head to take the measurements in a particular manner? That is why I suggested any person, any innocent person will be insulted. Therefore I strongly oppose the principle of the Bill being affirmed.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I can assure my friend Mr. S. J. Nair that he need not

[Mr. Kayalam Paramesvaran Pillai.]

entertain any apprehensions in the directions imagined by him. No doubt the measurements of a person may have to be taken even before he is convicted. But that will be done only on justifiable grounds and every measurement so taken will be given back to him if he is not convicted.

MR. S. J. NAIR (*Nedumangad*): May I know what purpose is served by compelling a person to lie down and take measurements?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): We will get the measurements for being used for evidentiary and other purposes.

DEPUTY PRESIDENT: The motion before the House is that the general principle of the Bill be affirmed.

The principle was affirmed.

The Secretary to the Sri Mulam Assembly read the title of the Bill as "The Travancore Identification of Prisoners Bill."

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the Bill be referred to a Select Committee consisting of—

Messrs.

T. K. Velu Pillai.
V. T. Chacko.
Mahomed Haneef.
A. Thanu Pillai.
K. C. Abraham.
T. T. Kesavan Sastri.
T. Krishna Pillai.
M. K. Janardhana Kamath.
Edavanatt S. Padmanabha Menon.
Antony George.
K. Madhavan.

The Committee is to report within four months.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

The motion was put to vote and carried.

THE TRAVANCORE BAR COUNCIL BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to introduce the Travancore Bar Council Bill and beg to move that the Bill be read in the Assembly.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, this is a Bill in which Mr. S. J. Nair will be interested and I am sure if the principle of the Bill is accepted he will give the benefit of his advice to the Select Committee. One of the proposals of

the Law's Delays Commissioner was that a measure on the lines of the Indian Bar Councils Act should be introduced here. He suggested that with a view to convert the members of the legal profession in Travancore into an autonomous body with powers to control and regulate their conduct and to look after the interests of the profession generally the enactment of a law on the lines of the Indian Bar Councils Act would be desirable. The High Court have agreed to the recommendation of the Law's Delays Commissioner. This Bill is accordingly proposed, and it is drawn generally on the lines of the Indian enactment.

MR. S. J. NAIR (*Nedumangad*): Sir, the Bill as it is framed is not at all satisfactory. The Bill ignores the existence of several lawyers, second grade pleaders as well as District Court pleaders who are not advocates of the High Court. According to the report of the Law's Delays Commissioner it is seen that there are in Travancore in all 1,772 lawyers. Of these, 286 are vakils on the rolls of the High Court; 478 are graduates-in-law practising before District Courts; 81 first grade pleaders practising in District Courts; and 927 Munsiff's Court Vakils. This Bill ignores the existence of the rights and privileges of 478 graduates-in-law practising before the District Courts and 81 first grade pleaders practising in District Courts and 927 Munsiff's Court Vakils. This Bill wants to give certain privileges only to 286 Vakils out of a total number of 1,772 vakils in the State. Under the Bar Councils Act of Bombay, the Indian Bar Councils Act of 1926—under Section 15 of the Act there is a provision for giving chances to other vakils who are not advocates to take sannads and set up practice in High Courts. There is no such provision in this Bill. There is no extension of such a privilege here. If this Bill is accepted as it is presented before this House the rights of several vakils would be denied. Only vakils who are in a small minority amongst the lawyers in the State and who are practising in the High Court would be protected. If the Law Member is prepared to make the necessary amendments in the stage of the Select Committee, I would affirm the principle of the Bill.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I wish to add a few words in support of the motion moved by the Law Member. The principle of the Bill may be affirmed by this House. My only submission is that it may be referred to a Select Committee with the distinct and clear understanding that the Select Committee should be competent to effect any change in the Bill in consideration of all aspects of the question. The Select Committee should be given unfettered discretion to include the pleaders also in the scope and operation of the Bill with regard to their rights and privileges. With this observation I support the principle of the Bill being affirmed.

DEPUTY PRESIDENT: The question before the House is that the principle of the Bill be affirmed in the light of the observations made.

The motion was put to vote and carried.

The Secretary to the Sri Mulam Assembly then read the title of the Bill as "THE TRAVANCORE BAR COUNCIL BILL."

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the Bill be referred to a Select Committee consisting of — Messrs.—

T. K. Velu Pillai.
K. A. Narayana Pillai.
Puthupalli S. Krishna Pillai.
Antony George.
K. Padmanabhan.
S. J. Nair.
Edavanatt S. Padmanabha Menon.
R. Sambasiva Aiyar.
K. C. Abraham.
R. Raman Pillai.
T. S. Jayantan Nambutiri.
Pacode A. Narayana Pillai.
T. P. Velayudhan Pillai.
A. S. Damodaran Asan.
A. Thanu Pillai.

The Committee is to report within four months.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

The motion was put to vote and carried.

THE TRAVANCORE WORKMEN'S COMPENSATION BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to introduce the Travancore Workmen's Compensation Bill and beg to move that the Bill be read in the Assembly.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, the essential object of this Bill is to provide for the payment, by the employer to his workmen, of compensation for injury by accident arising in the course of the employment. Such accidents, generally speaking, occur in what may be called hazardous occupations. The number of workmen in such occupations, whether in factories or otherwise, is on the increase and is likely to continue to increase. In British India and most other civilized countries there is special legislation for the payment of such compensation. In British India, an Act was passed for the purpose in 1923, namely, the Workmen's Compensation Act. Recently, as a result of inquiry made into labour conditions in India by a Royal Commission, that Act underwent substantial changes by Act XV of 1933. It is considered desirable that a law similar to that now in force in British India should be enacted in Travancore also for workmen's compensation. This Bill is drawn closely on the lines of the enactment in British India.

A workman who sustains injury by accident in the course of his employment has, under the ordinary law, a remedy by civil suit for damages against his employer in the Civil Court. But there are some disadvantages, so far as the workman is concerned, in seeking remedy in this manner. Firstly, he must have money to file his suit; and he will have to seek expert advice for filing the suit which also may cost him money. Again the damages that may be awarded by a Civil Court has to be assessed by the court on an estimate of what the damages would be in the circumstances of each case and in the nature of things such estimate cannot but be conjectural. Over and above all these there are two special disadvantages, so far as the workman is concerned, in seeking a remedy through the Civil Court; and, that consists in two defences which the employer may raise. One is the defence of "common employment" by which an employer can plead that the accident was due to the default of a fellow workman and the other defence is the defence of "assumed risk" by which an employer is not liable for injury caused to workmen through the ordinary risks of employment, and a workman is presumed to have assumed risks which were apparent when he entered upon his occupation. Such defences, which may very well be raised and easily proved by the employer, will leave the workman entirely without any relief.

In the Act in force in British India and in the Bill now proposed, these disadvantages do not exist. The two defences referred to cannot be raised, because Clause 3 of the Bill lays down that if personal injury, whether resulting in death or resulting in disablement, total or partial or permanent or temporary, is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this measure. In regard to the damages or the amount of compensation, it is definitely fixed by the Bill, and scarcely anything is left for conjecture in the matter of determining the amount of compensation. Clauses 4 to 7 of the Bill deal with this amount of compensation. Clauses 4 and 5 read with Schedules I and IV will enable *anybody* to determine the amount of compensation very easily and definitely. In fact, it is a special feature of this Bill, and of the Indian Act, that extreme precision is aimed at in fixing the scales of compensation awardable. It may be that such attempt at precision may be considered to be creating an extreme rigidity in the law, but none-the-less it proves to be of great advantage to the workman who has to get compensation. The Whitely Commission also has been of this view.

Then, in regard to the machinery by which the compensation has to be fixed and ordered to be given, what is proposed by the Bill, and laid down by the Indian Act, is the appointment of Commissioners by Government; the Commissioner will proceed in a more or less summary manner to determine the questions that may arise between the employer and the employee in this matter. The provisions for the Commissioners, their functions and their procedure are contained in

[Mr. Kayalam Paramesvaran Pillai.]

Clauses 23 to 33 of the Bill. If the workman himself will not go to the Civil Court, the jurisdiction of the Civil Court to interfere in the matter of this compensation is entirely barred. See Clause 3 (5) and Clause 22 (2). As the employer himself has no occasion to go to a court, and in any event as the workman can take steps under the proposed measure, the Civil Court is practically out of court and cannot intervene. The decision of the Commissioner will generally be final but in some limited cases involving questions of law, an appeal will lie to the High Court. See Clause 34. The Commissioner will collect the compensation amounts and see to their proper distribution. See Clauses 36 and 8. In regard to the workmen who can claim the benefit of this provision, it is not all workmen who can do so. Those who can are detailed in Clause 2 (1) (*n*) read with Schedule 2. And in the list of workmen, all workmen employed in what may be called hazardous occupation are included; perhaps, there are also workmen whose occupation may not be considered to be quite so hazardous. However, provision is made in Clause 2 (3) to enable Government to bring other class of workmen within the purview of this measure by a notification. Thus, practically, almost all classes of workmen may be brought in.

We have already introduced certain labour Bills such as the Trade Unions Bill, the Factories Bill, and the Trade Disputes Bill. This is only a company measure by which the workmen can get compensation for injury while in work and the employer also will be freed from a prolonged trouble in a Civil Court. I trust this measure will prove beneficial to both the parties.

MR. M. L. JANARDHANAN PILLAI (*Co-opted*): Sir, with regard to the Workmen's Compensation Bill ordinarily I should have chosen merely to state that I accept the principles on behalf of the employers. But experience in the past has proved that unless I now make certain points clear, difficulties are likely to arise in the Select Committee stage. Therefore I would request the indulgence of the House to allow me to make a few remarks on certain provisions of this Bill.

As I have often said I have been authorised by both the Chambers of Commerce in which European and Indian interests are represented to make these observations known to this House. In regard to this Bill it is now decided to include in its scope only industrial workers. But casual labour of all kinds is, I believe, excluded from its scope. I am referring to this particular aspect, because it may be known to some of the honourable members that some years back in the Kuttanad area when pumping was in full swing one boiler actually burst killing half a dozen people, and they were employed only for one week at that particular time to attend to the boiler. If nothing had happend they would have returned to the town and they would not have had any further work during that season. So, such casual labour also should be included in the provisions of this Bill so that those benefits may be available to them.

In the inclusion of various diseases some diseases which are particular to some industries on the west coast, particularly such as authrox, tetanus and hydrophobia are omitted from the list. I think they also ought to be included.

In Clause 3 (1) if personal injury is caused to workmen by accident 'arising out of and in the course of' employment, his employer is compelled to pay compensation. This is a very vague term. The phrase "arising out of and in the course of" may lead to many difficulties subsequently. Therefore this vague term should not be allowed to stand in the Bill.

Under Clause 10 the claims of compensation in case of accidents have to be instituted within six months of the date of the occurrence.

DEPUTY PRESIDENT: I wish to make it clear to the member that it is not necessary under the law to raise every point in detail which may hereafter have to be raised in the Select Committee. I say so because Mr. Janardhanan Pillai began his speech with a preface. The general principle of the Bill alone is before the House now. So the details may be considered in the Select Committee even though all those details are not placed before the House now.

MR. M. L. JANARDHANAN PILLAI (*Co-opted*): I am satisfied. I only desire that all these should be discussed in the Select Committee. My only fear is that it may be raised in the Select Committee that the general principles of the Bill were accepted and that no mention was made then in regard to such points.

One thing more I would like to place before the House, and that is a very serious matter. We have no Insurance Companies covering risks under the Workmen's Compensation Scheme. I mean that there are no Insurance Companies registered in Travancore dealing with this class of risk. The position is this. At present there are a number of factories in Travancore and it is likely that a few more may come into existence very shortly. The method used in fixing the insurance premia is to calculate the total wages paid in a factory during one year and charging premia thereon. That means a very large amount will have to be paid by each factory to the Insurance Companies and after all only one or two cases alone might occur. So a large amount of premia which is collected from this source in Travancore are sure to go out of Travancore without any benefit to any company registered in Travancore. Therefore I take this opportunity to request the Government to amend their State Insurance Scheme so as to bring Workmen's Compensation Relief also under its provisions so that large sums may not be lost to Travancore. With these observations I accept the principles of the Bill.

MR. P. S. MOHAMED (*Co-opted*): സർ, തൊഴിലാളികളെ സംബന്ധിച്ച് ഈ സഭയിൽ അവതരിപ്പിച്ചിട്ടുള്ളതും ഈ സഭയുടെ പര്യാലോചനക്കു വിഷയീഭവിച്ചിട്ടുള്ളതുമായ എല്ലാ ബില്ലുകളെക്കാളും ഏററ

[Mr. P. S. Mohamed.]

വും പ്രധാനമായ ഒരു ബില്ലാണിതെന്നു പറയുന്നതിൽ എനിക്കശേഷം അധൈര്യം തോന്നുന്നില്ല. വാസ്തവത്തിൽ ഇന്നു രാവും പകലും ജോലി ചെയ്തുപജീവനം കഴിക്കുന്ന തൊഴിലാളികൾ അവരുടെ ജോലിസ്ഥലത്തു് കിടന്നു മരിക്കയാണെങ്കിൽ പിറെറദിവസം മുതൽ അവരുടെ കുടുംബവും, അവരെ ആശ്രയിച്ചുകഴിഞ്ഞുകൂടുന്നവരും പട്ടിണികിടക്കയല്ലാതെ വേറെ യാതൊരു മാർഗ്ഗവുമില്ല. കാമ്പൻസേഷൻ ലഭിക്കുന്നതിനു വേണ്ടി സിവിൽകോടതിയിൽ പോയി സാധാരണനിയമമനുസരിച്ചു് വ്യവഹാരം കൊടുത്തു് വിധി സമ്പാദിക്ക എന്നുള്ളതു് ഏററവും പ്രയാസമായ ഒരു സംഗതിയാകുന്നു. എന്നുള്ളതു് ഇതുവരെ ആരും അതിലേക്കു് തുനിഞ്ഞിട്ടില്ലെന്നുള്ളതുകൊണ്ടുതന്നെ തെളിയുന്നുണ്ടു്. ആയതുകൊണ്ടു് ഇങ്ങനെ ഒരു നിയമം ഈ സഭയിൽ കൊണ്ടുവന്നതിൽ എല്ലാ തൊഴിലാളികളും ഗവൺമെൻറിനോടു് കൃതജ്ഞതയുള്ളവരായിരിക്കുന്നു.

എല്ലാതരത്തിലുമുള്ള തൊഴിലാളികൾക്കും ഉപയോഗപ്പെടത്തക്ക രീതിയിലല്ല ഈ നിയമം രൂപീകരിച്ചിട്ടുള്ളതെന്നു ഞാൻ ഇവിടെ പറയേണ്ട ആവശ്യമില്ല. ഇന്നു തിരുവിതാംകൂറിൽ ഏതെല്ലാംതരത്തിലുള്ള ജോലിക്കാരുണ്ടോ അവരെയെല്ലാം ബാധിക്കത്തക്കവണ്ണം ഒരു നിയമം കൊണ്ടുവന്നു ഉടനടി പാസ്സാക്കുക എന്നുള്ളതു് അത്ര എളുപ്പമുള്ള സംഗതിയല്ലെന്നുള്ള കഥ ഞാൻ ഇവിടെ വിസ്മരിക്കുന്നില്ല. എങ്കിലും ഈ ബില്ലിന്റെ പരിധി കുറെക്കൂടി വിസ്തൃതമാക്കണമെന്നാണു എന്റെ അഭിപ്രായം. കപ്പലിൽ ജോലി ചെയ്യുന്ന ആളുകളെപ്പററി ചിലതെല്ലാം ഇതിൽ പറഞ്ഞിട്ടുണ്ടു്. കപ്പലിൽനിന്നു് ചരക്കു കയററി കരയ്ക്കു കൊണ്ടുവരുന്നവരും, കരയിൽനിന്നു് സാമാനം കപ്പലിൽ കയററുന്നവരുമായ തൊഴിലാളികളെ സംബന്ധിച്ചു് യാതൊന്നുംതന്നെ പറഞ്ഞുകാണുന്നില്ല. അതുപോലെതന്നെ കർഷകതൊഴിലാളികളെ ഈ ബില്ലിന്റെ പരിധിയിൽ ഉൾപ്പെടുത്തേണ്ടയാവശ്യമില്ലെങ്കിലും മി. എം. എൽ. ജനാർദ്ദനൻപിള്ള പറഞ്ഞതുപോലെ കൃഷിയുടെ ആവശ്യത്തിനായി എൻജിൻ വെച്ചു് ജോലിചെയ്യുന്ന ജോലിക്കാരെക്കൂടി ഇതിൽ ഉൾപ്പെടുത്തേണ്ടതാണു്.

അതായതു് ജോലിചെയ്യുന്നവർ എത്രയായാലും ആപൽക്കരമായ ജോലികൾ ചെയ്യുന്നവരെയെല്ലാം ഈ ബില്ലിന്റെ പരിധിയിൽ കൊണ്ടുവരണം. അതുപോലെതന്നെ മററു സ്ഥലങ്ങളിൽ ജോലി ചെയ്യുന്നവരെ സംബന്ധിച്ചും ചിലതു പറയുവാനുണ്ടു്. ഈ ബില്ലിൽ ഉൾപ്പെടുത്തുന്നതിനു ൧൦-ൽ കൂടുതൽ തൊഴിലാളികൾ ഉണ്ടായിരിക്കണമെ

ന്നു ഇതിൽ കാണുന്നുണ്ട്. എന്നാൽ ൫൦ പേരുള്ള സ്ഥലത്തായാലും ൨൦ പേരുള്ള സ്ഥലത്തായാലും ഒരാൾ മരിച്ചാലുണ്ടാകുന്ന നഷ്ടം ഒന്നുപോലെയാണ്. അതുകൊണ്ട് അങ്ങിനെ ഒരു റസ്ട്രിക്ഷൻ ഇവിടെ ആവശ്യമില്ല. ഈ അഭിപ്രായത്തോടുകൂടി ഞാൻ ഈ ബില്ലിന്റെ മൂലതത്വത്തെ സ്വീകരിച്ചുകൊള്ളുന്നു.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I also rise to support the principle of the Bill. I have great pleasure in doing so. I believe the chief object of the Workmen's Compensation Legislation is not merely to give the worker compensation when accidents occur and make it possible for him to realise the compensation from the employer easily. Of course there is that fact and that there is need for that help will be acknowledged by everybody. There are a number of accidents that are occurring in factories and yet in many cases compensation is not paid. I myself had occasion to come across several cases and I have found that the workmen are not willing or able to proceed through the ordinary course of law for getting compensation. Therefore such a protection is necessary, though that may be a very big consideration and a sufficient consideration for the acceptance of the principles of this Bill. I consider there is yet another important factor which not merely affects the labourer but the prosperity of the industry as well and hence the prosperity of the State as a whole. I mean this, Sir. For making industry more attractive and less risky you do want to attract labour especially in a country like India where the labouring classes are not labouring classes permanently. In India labourers go to a factory and they earn sufficient to purchase a small plot of ground and as soon as they have done this they go back to their villages and settle down and take to the profession of agriculture. So what I was saying was, so as to retain a body of skilled labour in a country where industrialisation progresses rapidly it is highly necessary to make the industries attractive, less irksome and less risky. Considering that point of view as well, I have great pleasure in supporting the principles of this measure. As the labour representative pointed out there is not much distinction between hazardous labour and non-hazardous labour for the purpose of giving compensation. Whatever may be the kind of industry in which a worker is engaged, whatever may be the causes of death or permanent loss of limb, the suffering to his family is equal and intense and there is full justification in giving compensation irrespective of the nature or the duty. Sir, that is common ground. But with regard to another point, I find that the Royal Commission on Labour has pointed out certain objections in including all kinds of labour within the scope of this act. Sir, I consider that from a practical point of view. They are real and substantial objections. The Royal Commission says that it will be better to restrict the scope of the Bill that relief should be given to those people to whom it can be substantially and effectively given. The Workmen's Compensation law can be worked effectively,

[Mr. K. Kunjukrishna Pillai.]

only with the aid of Trade Union Organisation. Sir, only on the working of Trade Unions, the Workmen's Compensation Act can be effectively brought into operation. It is on the organisation of Trade Unions that provisions against danger and the question of compensation can be properly secured on the strength of these Unions. I consider that of all these labour legislations the Trade Union Legislation is the basic legislation of labour. With these observations, I have great pleasure in supporting this Bill.

DEPUTY PRESIDENT: The question before the House is whether the principle of this Bill be affirmed.

The principle of the Bill was affirmed by the House.

The Secretary then read the title ofthe Bill as "The Travancore Worksmens Compensation Bill."

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the Bill be referred to a Select Committee consisting of the following persons:—

Mr. 1. T. K. Velu Pillai
,, 2 Kunjukrishna Pillai
,, 3. S. Padmanabha Menon
,, 4. T. K. Alexander
,, 5. Pacode Narayana Pillai
,, 6. K. Mahomed
,, 7. E. K. Kunjuraman
,, 8. Kesava Panickar
,, 9. S. Krishna Panickkar
,, 10. A. S. Damodaran Asan
,, 11. P. C. Kuriyan
,, 12. A. Thanu Pillai
,, 13. J. W. Tolson
, 14. K. C. Karunakaran
,, 15. M. L. Janardhanan Pillai and
,, 16. P. S. Mahomed

The Committee is to report within four months.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

DEPUTY PRESIDENT: Does the House agree?

MR. T. T. KESAVAN SASTRI (*Nominated*): Sir, may I suggest the name of Mr. John Joseph also to be included?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have no objection.

DEPUTY PRESIDENT: Mr. John Joseph is also included. Does the House Agree?

Mr. John Joseph was also included as a member to the Select Committee with the consent of the House.

THE TRAVANCORE FOREST REGULATION (AMENDMENT) BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to introduce the Travancore Forest Regulation (Amendment) Bill and beg to move that the Bill be read in the Assembly.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not propose to make any long speech. Section 47 A of the existing Regulation empowers a Forest Officer to release an arrested person on his executing a bond for his appearance. But it does not empower the officer to demand any surety for his appearance. It has been found that it is not always safe to release a person on his bond alone; and for empowering a Forest Officer to demand sureties for appearance, this Bill is proposed.

MR. S. J. NAIR (*Nedumangad*) Sir, I oppose the principle of the Bill. The Bill consists of only one section in the Forest Regulation. At the outset it may appear to be very innocent; but when we look into the question very carefully we can know that if this amendment is carried the Legislature would be doing a great harm to the freedom of the citizens in the State. Sir, offences under the Forest Regulation are only offences against the revenue of the State.

DEPUTY PRESIDENT: Does the member say that the Forest Regulation is an offence?

MR. S. J. NAIR (*Nedumangad*): No, Sir, what I meant was offences under Forest Regulation. Further, the offences under Forest Regulation are all bailable offences. Well, the present Bill, if amended, will bring out an anomaly. Suppose a passenger from Trivandrum to Shencotta travels in a bus; the road passes through an area of Reserved Forest. Some accident takes place for the bus and it is detained in a particular place inside the Reserve Forest. Then the passenger is compelled to alight standing on the road. Imagine that on both sides of the road are forest reserves. The passenger out of curiosity plucks out a turmeric plant. Under the Forest Regulation it is an offence. The person who commits the alleged offence may not be accompanied by any of his friends. The Forest Officer has got the power to arrest him. A guard or a peon can do so. He is immediately arrested; and then how is it possible for him to get one or two sureties. He would be dragged along to a Police Station or guards' station. A person who is arrested by a forest officer when he commits any offence in a forest area until and unless he provides security will not be let on bail. Think what will be the fate of that person. My submission is that this Bill which would appear to be quite innocent at the outset is capable of doing much mischief. With these observations, I oppose the principle of the Bill.

The principle of the Bill was put to the vote and affirmed by the House.

[MR. S. J. Nair.]

The Secretary then read the title of the Bill as The Travancore Forest Regulation (Amendment) Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*); As there is only a single Clause in the Bill it need not be referred to a Select Committee.

THE TRAVANCORE MEDICAL REGISTRATION BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, this Bill was introduced in the Assembly in May 1935, but unfortunately owing to other work the debate on it was not concluded.

DEPUTY PRESIDENT: At that time, was anybody in possession of the House?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Mr. P. K. Narayana Pillai was speaking last and he is not here to-day.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether it is proposed to continue the old Bill?

DEPUTY PRESIDENT: There is a particular rule with regard to that. You will help me by letting me know the rule.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I suggest to you Sir, that *any* member can speak on the Bill with your permission?

DEPUTY PRESIDENT: Let us see if the law allows it.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, on page 17 of the Assembly Manual, paragraph 30, says: "On the termination of a Session, all pending notices shall lapse."

DEPUTY PRESIDENT: But a Bill introduced by Government does not lapse.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It has already been introduced.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Sir, I wish to make one observation. I support the principle of the Bill. Nevertheless, I shall remind this House of one point. This Regulation is to safeguard people from the malpractices by unlicensed medical practitioners in the allopathy system of treatment. When we consider this question, one fact should be borne in mind. On whom are the moffusil people now dependent for their medical aid? Sir, this question of supplying medical aid to rural areas had been dealt with in almost all the budget sessions of this Assembly; various representations have been made, yet people in the moffusil areas are now badly in need of medical aid. This is a factor which should engage the serious attention of Government. For medical aid these people in the rural areas depend upon these so called quack doctors and many of the members are aware that these quacks are sometimes more useful than the qualified doctors.

DEPUTY PRESIDENT : By qualified doctors does the member mean doctors with a degree ?

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : Yes, Sir. There are several cases in which these quacks have successfully dealt with many cases in rural areas, where many qualified doctors have failed, so that, if the Regulation is strictly enforced, many a man will be without medical aid. Before enforcing this Regulation, I request Government to do all that is possible to extend medical aid to rural areas.

DEPUTY PRESIDENT : The member will be in order if he makes observations upon the Bill. After the Bill is enacted the Government may or may not enforce it.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : Anyhow, there is a provision as stated in the objects and reasons, by which any man, although he is not a degree-holder, if he gets a certificate from the Medical Council appointed to issue certificates, can practise. But the only thing is that this Council should not be very strict in granting certificates to these so-called quacks who are at present very useful to society in several instances. With these observations I support the principle of the Bill.

DEPUTY PRESIDENT : There is one difficulty. Are you pressing the claims of these quacks on the admission that they are quacks ?

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : Not exactly. What I wish to point out is that, in the matter of granting license by the Medical Council, there should be a liberal attitude.

DEPUTY PRESIDENT : Is it that license may be given to people who have no degree ? I am unable to follow your line of argument.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : People even without qualifications or degrees are permitted to appear before the Council and undergo a test. The Council should take into consideration the real utility of their services to rural population and, although not degree-holders, should be very liberal in their treatment, till provisions for rural medical aid are more adequately met.

MR. S. J. NAIR (*Nedumangad*) : I oppose the principle of the Bill. Generally, recourse to legislative enactments shall be had only, if the State finds that there is real danger. Well, Sir, so far as the medical practitioner's history in Travancore is concerned, we do not find any danger accruing out of the presence of the various medical practitioners in the State. If at all there is any danger that danger is from the medical practitioners in some Government hospitals in the State and not from the private practitioners.

DEPUTY PRESIDENT : I fear that is not relevant.

MR. S. J. NAIR (*Nedumangad*) : This Bill is intended for two purposes. Firstly, for the registration of the really qualified men and secondly for penalising the unauthorised practitioners. Clause 13 of this Bill mentions the persons who may be registered and the Schedule of the Bill gives out qualifications for registration. So far as the qualifications given in the Schedule are concerned, I know, as a matter of fact, that there exist so many successful medical practitioners in the

[Mr. S. J Nair.]

Mission Hospitals in the State. They are more successful than the most successful medical officers in the State service.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): The honourable member has already spoken on this motion. (*Laughter*).

DEPUTY PRESIDENT: I suppose that is correct.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, it is correct.

DEPUTY PRESIDENT: I am thankful to the Director of Public Instruction for having informed the House that Mr. S. J. Nair has spoken already. I think that nothing need be said so far as Mr. S. J. Nair's speech is concerned. He seems to have spoken several months ago. One of the members adverted to that question and the House found that he had spoken. I presume that Mr. S. J. Nair rose to speak without remembering that he had already spoken.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I wish to know whether I have spoken.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Yeakil*): Yes.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know whether Mr. S. J. Nair's speech to-day will find a place in the Proceedings?;

DEPUTY PRESIDENT: Such matters may be left to the President to decide. Mr. S. J. Nair, I may mention this. In trying to speak the member must find out for himself whether he has already spoken on this motion. Months have intervened... ... ...

MR. S. J. NAIR (*Nedumangad*): One word. I heard the Law Member informing the House that even those members who have already spoken can be permitted to speak.

DEPUTY PRESIDENT: Mr. S. J. Nair was under a mistake. The Law Member never said that.

SRIMATI T. NARAYANI AMMA (*Nominated*): Sir, in supporting the principle of this Bill I wish to make one suggestion. I do not know why the scope of the Bill should not be made more comprehensive, by including within its ambit the Ayurvedic medical practitioners also. As it is, the scope of the Bill is confined to those practising the Allopathic system of medicine and surgery. Ayurveda has also come to stay in Travancore and the number of Ayurvedic medical practitioners also is on the increase. The Government themselves have in various ways recognised the importance of Ayurveda and they could not be unaware of the fact that among the Ayurvedic medical practitioners, there are a large number of quacks who do a lot of mischief by unauthorised practices. It is therefore highly necessary that in regard to Ayurvedic medical practitioners also, legislation should step in to prevent unauthorised practitioners. I am of opinion that the scope of the Bill should be extended by including Ayurvedic medical practitioners among

the "Medical practitioners." With these words I support the principle of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I may now reply to the debate. I know, that there is a feeling in this House that provision ought to be made for the control of the Ayurvedic medical practitioners. I quite appreciate that. But I fear that this Bill cannot help in the matter. The standards that are proposed in this Bill may not be quite applicable to the Ayurvedic doctors. The matter may however be considered separately.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether the measure is applicable to Sidha Vaidhyans?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. I fear the real thing is that there should be some accepted standard with reference to which control should be exercised. In the Western system there is some standard. It may not be possibie to have a standard in the case of Sidha Vaidhyans, so far as I can think of.

DEPUTY PRESIDENT: The question before the House is that the principle of the Bill be affirmed.

The principle of the Bill was by consent of the House affirmed.

The Secretary then read the title of the Bill as "The Travancore Medical Registration Bill."

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I move that the Bill be referred to a Select Committee consisting of the following members.—

Mr. T. K. Velu Pillai
,, T. P. Velayudhan Pillai
,, K. M. Krishnan
,, N. E. Varughese
,, K. A. Narayana Pillai
,, P. Chidambaram Pillai
,, T. K. Alexander
,, V. Ramakrishna Panickar
,, K. R. Elenkath
,, K. Madhavan
,, K. P. Krishna Menon
,, A. S. Damodaran Asan
,, K. M. Kuriakose
,, Abdul Rahiman Sahib and
Srimati T. Narayani Amma.

The Committee is to report within four months.

DEPUTY PRESIDENT: Is it seconded?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Yes. I second it.

DEPUTY PRESIDENT: The Select Committee thus constituted will report within four months.

THE TRAVANCORE SURVEY AND BOUNDARIES REGULATION (AMENDMENT) BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The next item in the agenda is the Travancore Survey and Boundaries Regulation (Amendment) Bill, which comes for further consideration.

This Bill was passed by the Sri Chitra State Council and I moved for the consideration of that Bill in the Assembly in May 1935. The motion for consideration was passed and the various Clauses have now to be taken up separately. So, the amendments may now be moved.

DEPUTY PRESIDENT · I find that Mr. A. S. Damodaran Asan has proposed an amendment to Clause I.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): It will be convenient if the amendment is taken up to-morrow.

DEPUTY PRESIDENT : Does the House agree ?

The House agreed.

The House adjourned at 3-45 P. M to meet again at 11 o' clock next day.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Mulam Assembly.

PROCEEDINGS
of
THE TRAVANCORE SRI MULAM ASSEMBLY.

(OFFICIAL REPORT.)

FIRST ASSEMBLY.

NINTH SESSION.

Tuesday, the 24th November 1936/9th Vrischikam 1112.

The Assembly met again in the Victoria Jubilee Town Hall at Eleven of the Clock, the President presiding.

OATH OF OFFICE.

Mr. James Simpson, Darbar Physician, took the oath and signed the Rolls.

QUESTIONS AND ANSWERS.

Flood damages in the Nedumangad taluk.

103. *MR. S. J. NAIR (*Nedumangad*): With reference to the answer given on the 16th April 1936, to question No. 216 (*b*), that an estimate for the work of the repair for the flood damages caused to the paddy fields in Maruttoor *ela* on the western side of the Maruttoor *palam* near the 7th mile-stone on the M. C. Road, Karakulam *pakuthi*, is under scrutiny by the Division Officer, Irrigation Division, will the Government be pleased to state:

(*a*) whether the scrutiny of the estimate is completed;

(*b*) if the answer to part (*a*) is in the affirmative, the amount of the estimate;

(*c*) when the work will be begun; and

(*d*) the amount the Revenue Department has realised towards tax for the paddy fields that were damaged from 1108 M. E.?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) Yes, and the estimate has since been sanctioned.

(*b*) Rs. 2,530.

(*c*) The work will be begun soon after the rains.

(*d*) Rs. 284-11-8.

MR. S. J. NAIR (*Nedumangad*): May I know whether the damages to the Maruttoor *ela* were caused by the floods of 1108?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I think so.

G. P. T. 1894 - 350—13-8-12.

MR. S. J. NAIR (*Nedumangad*): May I know why the repair was delayed so long?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The estimate had to be prepared and sanctioned.

MR. S. J. NAIR (*Nedumangad*): Will the tax collected on the lands till now from 1108 be adjusted or refunded?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads Buildings and Irrigation*): Government have been addressed on the matter.

Air Mail Service from Trivandrum.

109. ***MR. R. SIVARAMAN NAIR** (*Tiruvalla II*): Will the Government be pleased to state:

(*a*) whether there is any Air Mail Service from Trivandrum now (on 25-8-36);

(*b*) if the answer to part (*a*) is in the negative, when it was stopped and why it was stopped; and

(*c*) whether the conduct of the Air Service from Trivandrum caused any loss to the Government?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) No. The service is suspended during the monsoon.

(*b*) 20th April 1936; owing to the monsoon.

(*c*) No, except the contribution paid by Government to the Company.

MR. R SIVARAMAN NAIR (*Tiruvalla II*): May I know the amount of contribution?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Rs. 20,000, a year.

Tahsildar-Magistrate's Court at Mavelikara.

110. ***MR. A. S. DAMODARAN ASAN** (*Mavelikara*): Will the Government be pleased to state:

(*a*) whether they have received representations for establishing a Tahsildar-Magistrate's Court at Mavelikara;

(*b*) whether they have called for the report of the District Magistrate, Quilon, and the Tahsildar, Mavelikara, on such representations and, if so, what is the date of the latest report;

(*c*) whether they have received a copy of the resolution passed at a public meeting of the citizens of the Mavelikara town held on 8-2-1112 praying for the establishment of a Magistrate's Court at Mavelikara; and

(*d*) if the answer to part (c) is in the affirmative, the action taken on the same?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) Yes.

(*b*) Yes; from the District Magistrate only. 24-3-1112/9-11-1936.

(*c*) Yes.

(*d*) The District Magistrate's opinion thereon has been obtained and it is under consideration.

Encroachments on Kozhitodu Canal.

111. * **MR. E. K. KUNJURAMAN** (*Nominated*): Will the Government be pleased to state:

(*a*) what actions or steps they have taken to protect the Kozhitodu Canal from the encroachments of the people in the neighbourhood to lessen the width of the above canal which has resulted in want of sufficient room to drain away the waters of the *punchas* of the Aranmula *pakuthi* in response to the queries I have made in the last sessions of this Assembly;

(*b*) what action has been taken by the Land Revenue Department to prevent such encroachments;

(*c*) if they have taken any action as required in part (*b*), how many encroachment cases have been taken by them;

(*d*) what steps have been taken in the matter to make the canal wider and deeper and to take upon themselves the responsibility of protecting the canal from such encroachments;

(*e*) whether the Irrigation Department has prepared and forwarded to them any estimate in connection with the above; and

(*f*) if so, when they have done it and what is the nature of the estimate?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) Action was taken against the encroachers under the provisions of the Land Conservancy Regulation and the encroachments evicted.

(*b*) The Revenue subordinates detect encroachments whenever they occur.

(*c*) Two encroachment cases were taken.

(*d*) The Chief Engineer has received an estimate for widening and deepening the *todu*.

(*e*) Yes.

(*f*) On 28-8-'36. It is proposed to grade and deepen the *todu* where it is narrow and silted up, to construct masonry cross-bar with necessary side walls and to provide D. R. pitching and flooring wherever necessary.

Maintenance of roads.

112. * **MR. T. KRISHNA PILLAI** (*Neyyattinkara II*): Will the Government be pleased to state:

(*a*) whether they are aware of the most unsatisfactory condition of the following roads:-

(i) the Trivandrum-Kattakada road *via* Malayinkil;

(ii) the Nalukettu-Tirupuram road;

(iii) the Nemom-Oorutampalam road; and

(*b*) the maintenance grant for each of these roads?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) They are in good condition, except the portion from Kundankadavu to the 6th mile Kottoor road, a length of 4 miles of the Trivandrum—Kattakada road.

[Mr. G. B. E. Truscott.]

(*b*) 1st road—Rs. 2,046.
2nd road—Rs. 120.
3rd road - Rs. 144.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): For how long has this road been in such bad condition?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I am sorry I cannot give a definite answer.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Has the Government or the Chief Engineer received petitions from the people, last year as well as this year, that due to the bad condition of the road vehicle traffic had to be completely stopped?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Petitions have been received; but I do not know whether vehicle traffic has been completely stopped.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Out of the grant for the work, what is the amount that was actually expended last year?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I claim notice.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Has any action been taken against the officers responsible for keeping the road in such bad condition?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): It is not the fault of the officers. There is heavy traffic on the road, and the maintenance grant is not sufficient to keep the road in such a condition as one would wish.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Are the Government aware that this is the only road from Kattakada to Trivandrum and that, when this road is not available, the people are forced to adopt a circuitous and costly route if they want to come to Trivandrum?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I think the honourable member is correct in that statement.

MR. K. R ELENKATH (*Kalkulam I*): When was the matter brought to the notice of the Government?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I believe, in November 1935.

Supply of Pokkuvaravu Forms.

113. * **MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) how many *Pokkuvaravu* "A" forms (L. R. form No. 250) were supplied in 1112 M. E., for the use of the *pakuthi cutcherries* in Nedumangad and Chirayinkil taluks; and

(*b*) whether they are aware that in the absence of the above forms, the lists of voters for the Sri Mulam Assembly and the State Council could not be prepared and completed?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): (*a*) 2610 and 2837 *Pokkuvaravu* A forms were supplied for use in the Nedumangad and Chirayinkil taluks, respectively, in 1112 M. E.

(*b*) No.

MR. S. J. NAIR (*Nedumangad*): May I know the number of *Pokkuvaravu* cases for which the forms have been prepared by the *pakuthi* officers in Nedumangad and Chirayinkil in connection with the ensuing general elections?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I claim notice.

MR. S. J. NAIR (*Nedumangad*): Is it possible to prepare the lists of voters unless the *Pokkuvaravu* cases are disposed of and the forms are got ready?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): No doubt, the forms are necessary.

MR. S. J. NAIR (*Nedumangad*): Have papers been supplied for the preparation of the manuscript copies of the forms?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Yes.

Preparation of the Voters' lists.

114. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) whether the list of *pattadars* is incomplete;

(*b*) what has become of the deceased *pattadars*;

(*c*) whether the *pattas* in the case of deceased *pattadars* would be changed in the names of the surviving representatives and

(*d*) whether they are aware that invariably the *patta* stands f the name of deceased persons?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

(*a*) The answer is in the affirmative.

(*b*) The question is vague.

(*c*) Yes.

(*d*) No.

The Vamanapuram Camp-shed.

115. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) whether they are aware that there was a camp-shed in Vamanapuram;

(*b*) whether the camp-shed was handed over to the Medical Department to put up the District Dispensary at Vamanapuram since the camp-shed was left unused for several years;

(*c*) whether they have found that there was no necessity for a camp-shed at Vamanapuram;

(*d*) when was the camp-shed handed over to the Medical Department; and

(*e*) how many travellers have occupied the camp-shed for five years from the date of its surrender to the Medical Department?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) Yes.

(*b*) Yes.

(*c*) Yes.

(*d*) On 22-9-1108 M. E.

(*e*) No travellers can have occupied it since its surrender, being a Dispensary.

The Kallara-Aruvipuram trace.

116. *MR. S. J. NAIR (*Nedumangad*): Will the Government be pleased to state:

(*a*) the total distance of the trace;

(*b*) whether they are aware that the people have surrendered land free of compensation to the full width of 22 feet for the conversion of the trace into a road;

(*c*) whether they are aware that the people have done earthwork in cutting the road by removing all sorts of encroachments, such as sheds, buildings, fruit-bearing trees, etc;

(*d*) whether they are aware that the amount of Rs. 1,000 allotted for the conversion of the trace for 1111 M. E. was not expended and it lapsed; and

(*e*) whether they are aware that there is an allotment of Rs. 1,000 for 1112 M. E. for the conversion of the trace?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) About 7 miles.

(*b*) No.

(*c*) No.

(*d*) Yes.

(*e*) Yes.

MR. S. J. NAIR (*Nedumangad*): May I know whether the owners of the lands adjoining the trace have not already written to the Government as well as to the P. W. D. that they have surrendered their lands free of compensation?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): We have not yet received the written statement of the owners to that effect.

MR. S. J. NAIR (*Nedumangad*): I have to correct the member, Sir. The honourable member for Nedumangad has himself submitted such consent of the owners concerned, to the Government as well as to the P. W. D.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The titles and signatures have to be verified by the Land Revenue Department.

MR. S. J. NAIR (*Nedumangad*): Has the Land Revenue Department been furnished with those papers for verification?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I think so.

MR. S. J. NAIR (*Nedumangad*): When?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I claim notice.

MR. S. J. NAIR (*Nedumangad*): Is the member in a position to state definitely that the Land Revenue Department has been addressed about the acquisition of the lands?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I said 'I think so'; I cannot be more definite. I may

say, Sir, that there is no hurry about it, because the ryots have done practically nothing towards the improvement of the road as laid down in the Ryots' Roads Rules.

MR. S. J. NAIR (*Nedumangad*): Have not the ryots removed all encroachments by removing sheds and buildings, and have they not also removed even the fruit-bearing trees standing on the road?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Yes: But not the roots of the trees.

MR. S. J. NAIR (*Nedumangad*): Have not the people submitted petitions to the Government that they are not able and are not in a position, to do all that is laid down in the Ryots' Roads Rules, and that therefore the Government should be pleased to improve the trace at their own expense?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Yes.

MR. S. J. NAIR (*Nedumangad*): May I know what action has been taken on those petitions?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Government have ordered that the Ryots' Roads Rules have to be carried out.

MR. S. J. NAIR (*Nedumangad*): Is not that order too hard on the poor people of the locality?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): It is a matter of opinion.

Receipts from the Central Prison.

117. ***MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) the details of the receipts by "jail maintenance and garden produce, etc." as shown in the statement No. XIII Financial, annexed to the Administration Report of the Central Prison Department for the year 1110; and

(*b*) whether they have considered the ways and means for enhancing the receipts under this head?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*):

	Rs.	Ch.	C.
(*a*) (1) Value of convict-labour employed in maintenance works of jail buildings ...	398	22	8
(2) Receipts from jail gardens ...	819	0	2
(3) Washing charges realised from Jail Warder staff and auction sale proceeds of unserviceable articles ...	322	25	13
	1,540	20	7

(*b*) It is reported that there is no scope for the expansion of garden cultivation in the Central Prison compound.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): What is the total area of Government land in the possession of the Superintendent of the Central Prison?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): It is about 50 or 60 acres; I cannot give the exact area.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): What is the area under garden cultivation?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I claim notice.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): That is the area under grass cultivation?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I claim notice.

Jenmikaram Settlement.

118. * **MR. T. S. JAYANTAN NAMBOOTIRI** (*Travancore Jenmies, North*): Will the Government be pleased to state the number of cases for jenmikaram settlement yet (till 13-3-1112) undecided in each of the taluks of the State?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

A taluk-war * statement containing the information is placed on the table.

MR. T. S. JAYANTAN NAMBOOTIRI (*Travancore Jenmies, North*): May I know the reason for the long delay in the disposal of these cases in some taluks?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Most of the pending cases are those that have been remanded by the Peishkars for further enquiry. In some cases fresh enquiries had to be made. In a few cases the Devaswoms have asked for more time to file cases.

Recovery of Jenmikaram dues.

119. * **MR. T. S. JAYANTAN NAMBOOTIRI** (*Travancore Jenmies North*): Will the Government be pleased to lay on the table a taluk-war statement of the number of applications under Section 26 A of the Jenmi and Kudiyan Regulation, for the recovery of Jenmikaram dues for 1108, 1109 and 1110, left undisposed of till now (13-3-1112)?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

A † statement by taluks furnishing the information is placed on the table.

MR. T. S. JAYANTAN NAMBOOTIRI (*Travancore Jenmies, North*): May I know why jenmikaram cases of even 1108 have not been disposed of yet?

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* *Vide* Appendix I—page 473.

† *Vide* Appendix II—page 474.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): In some cases, the jenmis did not remit the process fees. In some cases they did not turn up on notice.

Settlement of Jenmikaram cases.

120. * **MR. K. M. KURIAKOSE** (*Muvattupuzha II*) : Will the Government be pleased to state :

(*a*) what exactly is the cubical capacity of the *Agrasala* para ;

(*b*) the number of jenmikaram cases settled according to the above measure and otherwise ;

(*c*) who was responsible for the mistake ; and

(*d*) whether representations were made by the honourable member for Muvattupuza II before the Government and the Land Revenue Commissioner in connection with the above and, if so, what action was taken on the same ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

(*a*) The *Agrasala* para is ordinarily presumed to be a measure of 640 cubic inches.

(*b*) The number cannot be easily ascertained.

(*c*) Nobody can be said to have committed any mistake since the jenmikaram cases were decided as per the terms of the Kanom deeds or other evidence produced by the parties.

(*d*) Yes, Government allowed extension of time till the end of the year 1111 to the parties to put in revision petitions to the Land Revenue Commissioner and State Jenmikaram Settlement Officer and to get the grievances, if any, in the decision of the cases redressed.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : May I know whether when the work of Jenmikaram Settlement was begun, instructions were given to the taluk authorities as to the capacity of the *Agrasala para*?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : A copy of the opinion expressed by the Government Law Department was sent to all the Taluk Offices.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : Was it sent when the work was begun ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : No ; the question came up only very much later.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : What was the necessity to do it subsequently ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : We received some petitions from the Kudiyans that the Jenmikaram officers were treating the *Agrasala para* as being equal to the standard *para*.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : It is stated in the answer to part (*a*) that the *Agrasala para* is *ordinarily* presumed to be 640 cubic inches. What are the special or extraordinary circumstances under which its capacity is taken to be otherwise ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : The word 'ordinarily' has been used there because it has not been possible to say with certainty what the cubic contents of the *para* is. In ordinary parlance it is considered to be 640 cubic inches.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : Have not the Government come to a decision on the matter yet ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): The present decision is that, ordinarily, the *Agrasala para* is presumed to be 640 cubic inches.

MR. K. M. KURIAKOSE (*Muvattupuzha* II) : It is stated in the answer to part (*d*) that extension of time was allowed till the end of 1111 to the parties to put in revision petitions to the Land Revenue Commissioner. May I know whether it was stated in the representations which led to such extension of time that the Government should take the initiative in the matter of deciding the cases ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Yes.

MR. T. S. JAYANTAN NAMBOOTIRI (*Travancore Jenmies, North*): What is the basis for the presumption that the Agrasala para is 640 cubic inches ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : Records were examined ; and there were also some court decisions to that effect.

MR. T. S. JAYANTAN NAMBOOTIRI (*Travancore Jenmies, North*): Is there any Government order to the effect that the *Agrasala para* is equal to the standard para ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : I claim notice.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*) . Are there not High Court decisions to that effect ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*); I believe there is a conflict of rulings. I am not quite sure.

MR. P. C. NARAYANAN BHATTATIRIPAD (*Travancore Jenmies, South*): പറയെ സംബന്ധിച്ച് ജന്മിമാരിൽനിന്നും വല്ല പരാതിയും കിട്ടിയിട്ടുണ്ടോ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): ഉണ്ട്.

MR. P. C. NARAYANAN BHATTATIRIPAD (*Travancore Jenmies, South*): പറയുടെ തർക്കത്തെ സംബന്ധിച്ച് വല്ല തീരുമാനവും ഉണ്ടായിട്ടുണ്ടോ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): ഇപ്പോഴും ഇരിക്കുന്നത് മുൻ പറഞ്ഞ മാതിരിയാണ്. എന്നാൽ അതിനെപ്പറ്റി ആർക്കെങ്കിലും വല്ല തർക്കവും ഉണ്ടെങ്കിൽ ജന്മിക്കരം സെറ്റിൽമെൻറ് ആഫീസിൽ അത് ഹാജരാക്കണം. ആധാരത്തിൽ പറഞ്ഞിരിക്കുന്ന പറ അഗ്രശാല പറയിൽനിന്നും വ്യത്യസ്തമാണ് എന്നു തെളിയിക്കുകയാണെങ്കിൽ റിവൈസ് ചെയ്തുകൊടുക്കുന്നതാണ്.

MR. P. C. NARAYANAN BHATTATIRIPAD (*Travancore Jenmies, South*): അങ്ങിനെ വല്ല അപേക്ഷയും കിട്ടിയിട്ടുണ്ടോ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) ഉണ്ട്.

Commutation rate of Jenmikaram.

121. * **MR. T. S. JAYANTAN NAMBOOTIRI** (*Travancore Jenmies, North*): Will the Government be pleased to state whether they are aware that the price of paddy and other commodities that form part of Jenmikaram has risen considerably since the commutation rate has been last fixed by the Committee under Section 46 of the Jenmi and Kudiyan Regulation?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*)

The commutation rates were fixed under Section 46 of the Jenmi-kudiyan Regulation on 14-5-1935/31-9-1110. Since then, there has been a fall in the price of paddy. There is not any marked variation in the price of other commodities except cocoanut. The price of cocoanut has risen.

MR. T. S. JAYANTAN NAMBOOTIRI (*Travancore Jenmies, North*): Will the Government be pleased to revise the rates?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): The matter is under consideration.

MR. T. S. JAYANTAN NAMBOOTIRI (*Travancore Jenmies, North*): Do not the prices vary in the various taluks even within the same Division?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Yes.

MR. T. S. JAYANTAN NAMBOOTIRI (*Travancore Jenmies, North*): Will the Government be pleased to fix different prices for the different taluks?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): The present rates have been fixed by the Commutation Committee. If a Committee is appointed it is open to them to fix different rates for different places.

District Court at Parur.

122 * **MR. K. M. KURIAKOSE** (*Muvattupuzha II*): Will the Government be pleased to state whether the District Court at Parur is going to be shifted to Alwaye?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chie Secretary to Government*): No.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether, after the Government decided like that, the matter ever came up again for their consideration?

RAO BAHADUR RAJASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir.

MR. S. J. NAIR (*Nedumangad*): Is there any proposal to establish a District Court at Alwaye?

RAO BAHADUR RAJASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir.

MR. S. J. NAIR (*Nedumangad*): Has there been any demand for that on the part of the people?

RAO BAHADUR RAJASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I do not remember to have received any requisition on the subject.

Order No. 559/1113 (c) dated 10-1-1935 of the Director of Public Instruction.

123. * **MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) whether the Director of Public Instruction has communicated his letter No. 559/1113 (*c*) of 10-1-1935 to the Inspectress of Girls' Schools;

(*b*) whether the Inspectress of Girls' Schools has given effect to the above order; and

(*c*) the steps hitherto taken by the Inspectress of Girls' Schools and the Divisional Inspector, Tiruvalla, in pursuance of the above order?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*):

(*a*) Yes.

(*b*) No.

(*c*) The matter is receiving attention.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know what the order referred to in part (*b*) of the answer is?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): It is a letter addressed to the Inspectress of Girls' Schools.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know the contents—the subject matter—of the letter?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): It was a letter asking whether she would be able to arrange for the transfer of a teacher?

Caste-war statement of Officers in the Anchal Department.

124. * **MR. N. ABDUR RAHIMAN SAHIB** (*Nominated*): Will the Government be pleased to lay on the table a caste-war statement showing those drawing a monthly pay of Rs. 50 and above in the Anchal Department?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): A statement furnishing the information required by the member is laid on the table.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): With reference to part (B) of Appendix III, may I know why no Muslim was appointed? Is it for want of qualified hands?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): There are Muslim employees in the subordinate ranks. But there is none drawing above Rs. 50 in the department. These 30 officers have service ranging from 10 to 30 years and there might not have been enough qualified Muslims.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Have the Government received any application from qualified Muslims for Anchal Inspectors' places?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Anchal Inspectors are not recruited direct. Almost all the present Inspectors have been promoted from the ranks and entered the department as clerks or masters on Rs. 15 or 20.

* *Vide* Appendix III - page 475.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Is there no case of an Inspector being appointed direct from other departments?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Very rarely.

MR N. ABDUR RAHIMAN SAHIB (*Nominated*): My question is whether there has been any application from any qualified Muslim for an Inspector's place?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): I am not aware. But I know that about three months ago a Muslim graduate was recruited direct as Anchal Master on Rs. 40.

Acquisition of lands in Tirupuram pakuthi, Neyyattinkara taluk.

125. * **MR. N. ABDUR RAHIMAN SAHIB** (*Nominated*): Will the Government be pleased to state:

(*a*) for what purpose are the lands in Survey No. 297/15 Tirurpuram *pakuthi*, Neyyattinkara taluk, proposed to be acquired under the Land Acquisition Regulation, and at whose instance and

(*b*) what is the total area proposed to be acquired?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

(*a*) The lands in Survey No. 297/15 of the Tirupuram *pakuthi* are not proposed to be acquired.

(*b*) In view of the above answer, this question does not arise.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): May I know whether there is no proposal to acquire lands from Survey No. 297?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): The member asked whether there is a proposal to acquire lands from Survey No. 297/15 of the Tirupuram *pakuthi*. The answer was "no". The proposal is to acquire lands from survey No. 297/5. It is proposed to acquire 3 acres 55 cents. to provide a colony for fishermen.

MR N. ABDUR RAHIMAN SAHIB (*Nominated*); Has the Land Revenue Commissioner received any memorial from the owners of these lands complaining about the acquisition proceedings?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): There is no such representation in the file.

G. O. of 1919 on Muslim Education.

126. * **MR. N. ABDUR RAHIMAN SAHIB** (*Nominated*): Will the Government be pleased to lay on the table a copy of the G. O. of 1919 on Muslim Education?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): The member is referred to pages 705 to 709 of Part I of the Government Gazette dated the 3rd June 1919.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): May I know whether it is not possible to supply a copy of this G. O. to the member?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): The G. O. is a published document and it is available for reference by honourable members.

MR M. MAHOMED HANEEF (*Nominated*): May I know whether all the concessions mentioned in the G. O. have been carried into effect?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Yes, Sir, to the extent to which funds are available.

Prosecution of Police Charge Cases.

127. * **MR. K. PADMANABHAN** (*Chirayinkil I*): Will the Government be pleased to state with reference to one year preceding from this date (14-3-1112):

(*a*) what are the Police charge cases in which Vakils other than Sirkar Vakils were engaged by Government to conduct the prosecution either in the subordinate court or the appellate court?

(*b*) the names of the Vakils so engaged in each case; and

(*c*) the remuneration paid to such Vakils in each case?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*), (*b*) and (*c*) *A statement giving the required information is placed on the table.

MR. K. PADMANABHAN (*Chirayinkil I*): With reference to Appendix IV, may I know who conducted case No. 1 before the Special Magistrate?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Assistant to the Head Sirkar Vakil, Mr. Ramakrishna Aiyar.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know who conducted that case before the Sessions Court?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The same vakil.

MR. K. PADMANABHAN (*Chirayinkil*): May I know the result of the trial before the Sessions Court?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The accused was convicted.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether there was not an allegation against Mr. Kesavan that he delivered speeches tending to foster inter-communal hatred?

PRESIDENT. I disallow that question because it relates to a matter which can be elicited from the judgment.

MR. K. PADMANABHAN (*Chirayinkil I*): What are the principles governing the engagement of private vakils in police charge cases?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Whenever Government consider that it is necessary to appoint a special prosecutor in a case, they do so.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether vakils having a personal interest in a particular case are appointed as prosecutors by the Sirkar?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I do not think there is any rule in the matter.

MR. K. PADMANABHAN (*Chirayinkil I*): May I ask whether Mr. Malloor Govinda Pillai has not taken a personal interest in these controversies?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I do not know, Sir.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know the special reason that weighed with Government in appointing Mr. K. G. Kunjukrishna Pillai as Sirkar prosecutor in case No. 2 given in the Appendix?

*Vide Appendix IV—page 476.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Government thought that it was necessary to appoint a special prosecutor and so he was appointed.

MR. K. PADMANAHHAN (*Chirayinkil I*): May I know whether there are not Sirkar Vakils at Alleppey ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): There are.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know why this case was not entrusted to those Sirkar Vakils.

RAO BAHADUR RAJYASEVANIRATA DR. N KUNJAN PILLAI (*Chief Secretary to Government*): This is not a novel procedure. There were occasions in the past when special prosecutors were appointed. Following that precedent Government appointed a special prosecutor in this case also.

The Compensation for Improvements Bill.

128 *** MR. K. M. KURIAKOSE** (*Muvattupuzha II*): Will the Government be pleased to state the number of memorials and resolutions received by them and the protest meetings held by the public of Travancore protesting against the passing of the Compensation for Improvements Bill into Law ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Seven telegrams and resolutions passed at seventeen meetings have been received.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether any action was taken on those representations ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): They are all with the Government. The Bill, as honourable members know, is before the Upper House and Government do not think that any action is necessary until they see in what form it emerges from the Upper House.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know the localities from which the telegrams and memorials were received by Government?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): There is a large number from various places. Most of them are from Central and North Travancore.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I ask whether these memorials have been engineered by a few and whether all the meetings have been held under the presidency of the same individual ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I have no information.

Legislation for reduction of rate of interest.

129. ***MR. K. P. KRISHNA MENON** (*Parur*): Will the Government be pleased to state whether they have in contemplation any legislation to reduce the rate of interest to 6 per cent. as a relief to the ryots and other classes of people of the country ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No.

MR. K. P. KRISHNA MENON (*Parur*): May I know whether this House has not recently passed a Bill reducing the rate of interest?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkr Vakil*): Yes.

MR. K. P. KRISHNA MENON (*Parur*) Then why is it stated that the answer is 'no'?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The question asks whether Government have in contemplation any legislation to reduce interest to six per cent not only to ryots but also to other classes of people. The answer is that it is not in contemplation and it does not relate to all classes of people.

PRESIDENT: Another answer might be that this answer was prepared before the Bill was passed by this House.

Realisation of interest from Forest Contractors.

130. * **MR. K. P. KRISHNA MENON** (*Parur*): Will the Government be pleased to state whether the Conservator of Forests has issued orders to the Kottayam Divisional Forest Officer to recover interests at 12 per cent. from the defaulters in payment?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Yes.

MR. K P. KRISHNA MENON (*Parur*): May I know the reasons for raising the rate of interest from six to twelve per cent?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): It is intended, in the first place, to secure uniformity in the rate of interest to be recovered from defaulters in all the Forest Divisions; in the second place, to see that there is no default in payment.

Acting graduate teachers.

131. ***MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) the number and the names of graduate teachers now in service, who have been acting as such for a total period of 7 years or more;

(*b*) the number and the names of graduate teachers now in service who have been acting as such for a total period of 5 years or more; and

(*c*) the reasons why those referred to in parts (*a*) and (*b*) have not been confirmed hitherto?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*):

(*a*) and (*b*) * Statements furnishing the information are laid on the table.

(*c*) Partly owing to the fact that the question of the waiting list was under consideration and partly owing to the orders of Government in connection with the standardisation of salaries.

* *Vide* Appendix V.—pages [illegible] and 478.

Sale of immovable properties for arrears of tax.

132. * **MR. K. A NARAYANA PILLAI** (*Todupuzha* cum *Devicolam*) : Will the Government be pleased to state:

(*a*) the number of auction sales of immovable properties conducted in the year 1111 for arrears of tax in the Todupuzha taluk;

(*b*) the number in which the defaulters have deposited the amount on or before the 30th day;

(*c*) the number in which purchasers have not deposited the balance amount on or before the 30th day;

(*d*) the amount thus forfeited to Government owing to the default of the purchasers; and

(*e*) the amount refunded to the defaulting purchasers?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

(*a*) 246.

(*b*) 178.

(*c*) 23.

(*d*) Rs. 48-6-10.

(*e*) Nil.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): May I know whether the purchasers have paid the balance amount?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I am not in a position now to say that.

Registry of Cardamom lands.

133. ***MR K. A. NARAYANA PILLAI** (*Todupuzha* cum *Devicolam*): Will the Government be pleased to state:

(*a*) the extent of cardamom lands that has been registered in the year 1111 in Devicolam taluk; and

(*b*) the names of persons to whom the lands have been registered?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

(*a*) 6·70 acres.

(*b*) (1) Venkitaswamy Naidu, son of Konduchamy Naidu.

(2) Perumal Kudumban, son of Chuppaya Kudumban.

(3) Komali Muduvan, son of Pandiya Muduvan.

(4) Muthuswami Mudavan, son of Veerappa Muduvan.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): May I know whether all the persons mentioned in part (*b*) are Travancoreans?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I believe they are all Travancoreans. They are apparently Muthuvans who live in that tract.

Lands for Depressed Classes.

134. ***MR. K. A. NARAYANA PILLAI** (*Todupuzha* cum *Devicolam*): Will the Government be pleased to state:

(*a*) whether any land in Todupuzha taluk is specially set apart for the depressed classes

(*b*) if so, the extent and nature and Survey Nos. of the lands;

[Mr. K. A. Narayana Pillai.]

(*c*) whether such lands are occupied by the depressed classes;

(*d*) whether any such land is given on Kuthakapattom to people who do not belong to the depressed classes;

(*e*) whether these lands are suitable for the habitation of the depressed classes;

(*f*) whether such lands have been encroached upon by others; and

(*g*) if so, whether the encroachers were evicted?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

(*a*) Yes.

(*b*) A * statement furnishing the information is laid on the table.

(*c*) The area already assigned and that for which registry proceedings are in progress are occupied by the depressed classes.

(*d*) No.

(*e*) Yes, excepting the rocky portions here and there.

(*f*) No.

(*g*) In view of the answer to part (*f*), this question does not arise.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): May I know how much out of the lands set apart for the depressed classes has been assigned to them?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*); The extent of land assigned to the depressed classes is 446·14 acres. That includes also other lands than those set apart for them.

MR. T. T. KESAVAN SASTRI (*Nominated*): എത്ര ഏക്കർ സ്ഥലം പതിച്ചു കൊടുത്തിട്ടുണ്ടു്?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): ൪൦൩ ഏക്കർ ൧൩ സെൻറു സ്ഥലം പതിച്ചു കൊടുത്തു. അതു കൂടാതെ ൪൩ ഏക്കർ ൧൪ സെൻറിൽ അവർ ഇപ്പോൾ താമസിക്കുന്നുണ്ടു്. അതുകൊണ്ടു് ആ സ്ഥലവും പതിച്ചു കൊടുക്കാൻ നിശ്ചയിച്ചിട്ടുണ്ടു്.

MR. T. T. KESAVAN SASTRI (*Nominated*): തൊടുപുഴ ടൌണിൽ നിന്നും എത്ര മൈൽ ദൂരത്താണു് ഈ സ്ഥലം സ്ഥിതി ചെയ്യുന്നതു്?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): അതു നിശ്ചയമില്ല.

School and College fees.

135. ***MR. N. K. KRISHNA PILLAI** (*Neyyattinkara I*): Will the Government be pleased to state the amount realised as fine for late payment of fees from:

(*a*) the English Schools;

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* *Vide* Appendix VI.—page 478.

(b) the Colleges; and

(c) the Vernacular Schools of the State, in each of the years 1106, 1107, 1108, 1109, 1110 and 1111?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Government consider that the time and labour involved in the collection of the information asked for by the member are out of all proportion to its possible utility.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know whether Government are at least in a position to tell me whether the amount collected as fines has been on the increase from year to year during the above period?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I claim notice.

MR. S. J. NAIR (*Nedumangad*): May I know whether Government are aware that the guardians of pupils studying in the English schools, the colleges and the vernacular schools are not in a position to pay fees in time due to economic depression?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Government are not aware.

MR. S. J. NAIR (*Nedumangad*): May I know whether Government are aware that there is acute economic depression in the State?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I claim notice. (*Laughter.*)

MR. S. J. NAIR (*Nedumangad*): May I know whether Government would consider the question that the payment of fine shall not be imposed upon hereafter?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): It is a suggestion for future action.

Applicants for admission to the Colleges.

136. *MR. S. NILAKANTA PILLAI (*Chirayinkil II*): Will the Government be pleased to state:

(a) the number of applicants for admission to the Junior Intermediate and the Junior B. A. classes of the local Government colleges this year (1936) and

(b) the number of students admitted to the said classes in each of the colleges?

MR C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): (a) and (b) A statement* containing the information asked for by the member is placed on the table.

MR. S. NILAKANTA PILLAI (*Chirayikil II*): May I know why all the applicants for admission to the junior intermediate and junior B. A. classes were not admitted?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Sir, this question has been asked and answered so often on the floor of this House that I do not know what satisfaction the honourable member

* *Vide* Appendix VII—page 479.

[Mr. C. V. Chandrasekharan.]

derives from asking me to repeat the answer. Two years ago Government introduced certain rules restricting the admission to the intermediate and B. A. classes. For the B. A. classes the rules were that any applicant who had made more than three attempts, to pass the Intermediate examination should not be admitted. For the Intermediate, in addition to the three attempts rule there was the standard in regard to marks. On account of these rules some applicants were refused admission.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*) : May I know whether it is with a view to help the management of private colleges that these rules were passed?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Certainly not, Sir.

MR. K. R. ELENKATH (*Kalkulam I*) : May I know whether these rules will apply irrespective of the fact that there is accommodation in the colleges?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instructiont*) : Yes, Sir.

Electric Supply in the Trivandrum Town.

137. ***MR. S. J. NAIR** (*Nedumangad*) : With reference to the answer to interpellation No. 187 answered on the 7th August 1936 part (*c*), will the Government be pleased to state:

(*a*) the probable date on which the tariff rates will be revised; and

(*b*) whether the consumer's expenditure will be limited to the electrification within his compound walls, all other expenses being incurred by the Electric Department?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : (*a*) The rates for the supply of power for domestic consumers for lights and fans have been reduced from 6 annas to 5 annas per unit with effect from the 1st of Chingam 1112. The rates for small power installations have been revised as follows with effect from 28-7-1936 :—

(i) Small installations up to 10 H. P. requiring power intermittently and consuming less than 12,000 units per annum—3 annas per unit.

(ii) For installations consuming above 12,000 units per annum —a flat rate of 1½ annas per unit.

(*b*) The consumer has to pay, in addition to his installation charges, the cost of all service connections beyond 50 feet from the nearest supply main. The cost of meter boards, cut-outs, etc. is borne by the Department in all cases.

MR. S. J. NAIR (*Nedumangad*) : May I know the reason for not permitting the consumer's expenditure in the matter of electrification being limited to the compound walls?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : The only concession is in respect of fifty feet from the nearest supply main it has nothing to do with the compound walls.

Appendix I.

***Vide* Answer to Question No. 118.**

Statement showing the number of Jenmikaram Settlement cases pending on 13-3-1112.

	Taluk.		*No. of cases pending on 13-3-1112.*
1	Tovala	...	26
2	Agastisvaram	...	52
3	Kalkulam	...	93
4	Vilavancod	...	50
5	Neyyattinkara	...	67
6	Trivandrum	...	168
7	Nedumangad	...	58
8	Chirayinkil	...	1079
9	Quilon	...	1514
10	Kottarakara	...	421
11	Pattanapuram	...	429
12	Kunnattur	...	13
13	Pattanamtitta	...	100
14	Tiruvalla	...	1837
15	Mavelikara	...	262
16	Karunagapalli	...	1159
17	Kartigapalli	...	45
18	Ambalapuzha	...	26
19	Shertallai	...	70
20	Vaikom	...	669
21	Kottayam	...	881
22	Changanachery	...	98
23	Meenachil	...	140
24	Muvattupuzha	...	496
25	Todupuzha	...	56
26	Kunnatnad	...	290
27	Parur	...	245
	Total	...	10,344

Appendix II.

Vide Answer to Question No. 119.

Statement showing the number of applications under Section 26 A of the Jenmi and Kudiyan Regulation for recovery of arrears of jenmikaram dues.

Taluk.	108	1109	1110	Total
Agastisvaram ...	..	...	...	...
Kalkulam ...	...	...	...	...
Vilavancod ...	...	...	...	...
Neyyattinkara ...	...	...	20	20
Trivandrum ...	...	...	188	188
Nedumangad ...	...	...	99	99
Chirayinkil ...	...	...	...	...
Quilon ...	...	...	...	...
Kottarakara ...	...	...	...	...
Pattanapuram ...	...	...	7	7
Kunnattur ...	...	...	37	37
Pattanamtitta ..	...	...	236	286
Tiruvalla ...	...	52	991	1043
Mavelikara ...	8	63	105	176
Karunagapalli ...	...	...	...	...
Kartigapalli ...	...	...	...	...
Todupuzha ...	...	1	...	1
Shertallai ...	...	...	96	96
Vaikom ...	65	46	900	1011
Kottayam ...	21	51	1087	1139
Changanachery ...	...	149	974	1123
Meenachil ..	..	62	663	725
Muvattupuzha ...	...	...	...	...
Todupuzha ...	...	...	19	19
Kunnatnad ...	...	...	...	...
Parur ...	...	...	...	...
Total ...	94	404	5422	5920

Appendix III.

Vide Answer to Question No. 124.

Caste-war statement of officers in the Anchal Department.

(A)	*Hindus*	
	1. Brahmins	11
	2. Nairs	7
	3. Other caste Hindus	2
	4. Kammalas	Nil.
	5. Nadars	Nil.
	6. Ezhavas	2
	7. Cheramar	Nil
	8. Other Hindu	1
(B)	*Muslims*	Nil.
(C)	*Christians*	
	1. Jacobite	2
	2. Marthomite	5
	3. Syrian Catholic	Nil.
	4. Latin Catho'ic	Nil.
	5. South Indian United Church	Nil.
	6. Other Christians	Nil.
	Total	30

Appendix IV.

***Vide* Answer to Question No. 127.**

Statement showing police charge cases in which Vakils other than Sirkar Vakils were engaged.

Police charge cases in which Vakils other than Sirkar Vakils were engaged by Government during the period between 14-3-1111 and 14-3-1112.	Names of the Vakils so engaged.	Remuneration paid.
1. Criminal Appeal No. 1 of 1111 on the file of the High Court (Sedition case against Mr. C. Kesavan, B. A., B. L.)	Mr. M. K. Govinda Pillai, B. A., B. L.	Br. Rs. 2000.
2. Sessions Case No. 1 of 1112 on the file of the Alleppey Sessions Court (The Alleppey riots).	Mr. K. G. Kunjukrishna Pillai, B. A., B. L.	No amount has been paid till now.
3. Criminal Appeal 144/10/and 6 of 1111, High Court Sessions Case.	Do. Do.	Rs. 500.
S. C. No. 25/10/Kottayam Sessions Court (Poonjar murder case).	Do. Do.	Rs. 1000.

Appendix V,

Vide Answer to Question No. 131·

Statement showing the names of graduate teachers who have been acting as such for a total period of 7 years or more.

1	P. V. Abraham
2	P. Joseph
3	M. K. Raman Pillai
4	John M. John
5	S. Moses.
6	C. Cheriyan
7	V. Nainan
8	K. M. Koshi
9	M. K. Abraham
10	P. N. Madhavan Pillai
11	K. G. Rama Panickar
12	A. Chockalingam
13	S. Velayudhan Pillai
14	J. Damodara Prabhu
15	P. K. Madhava Warriar.
16	N. K. Madhava Naick
17	C. Subramonia Pillai
18	V. Govindan Potti

Appendix V. *(contd.)*

Statement showing the names of graduate teachers who have been acting as such for a total period of 5 years or more.

1	P. V. Abraham
2	P. Joseph
3	M. K. Raman Pillai
4	John M. John
5	S. Moses
6	C. Cheriyan
7	V. Nainan
8	K. M. Koshi
9	M. K. Abraham
10	P. N. Madhavan Pillai
11	K. G. Rama Panickar
12	A. Chockalingom
13	S. Velayudhan Pillai
14	J. Damodara Prabhu
15	P. K. Madhava Warrier
16	N. K. Madhava Naick
17	C. Subramonia Pillai
18	V. Govindan Potti
19	R. Krishna Aiyar
20	A. Lekshminarayana Aiyar
21	K. Narayana Kurup
22	S. Ramakrishna Aiyar
23	C. S. Venkitarama Aiyar
24	K. M. Zachariah
25	N. Kumara Pillai
26	M. K. George
27	E. K. Zachariah
28	N. Chidambaram

Appendix VI.

***Vide* Answer to Question No. 134.**

Extent, nature and Survey No. of lands set apart for registry to depressed classes in Todupuzha.

Name of pakuthi.	*S. No.*	*Nature of land.*	*Extent.* A.	C.
Karikod	2/1	Dry.	50	18
Do.	913/1	Do.	170	51
Do.	1022/1	Do.	83	84
Do.	724/1	Do.	59	34
Karimannur	179/1C	Do.	200	...
Manakad	541/1	Do.	64	74
Kumaramangalam	796/1A	Do	22	33

Appendix VII.

***Vide* Answer to Question No. 136.**

Statement showing the number of applicants for admission to the Colleges and the number admitted.

Name of College.	Junior Intermediate.		Junior B. A.	
	(a) Number of applicants.	(b) Number admitted.	(a) Number of applicants.	(b) Number admitted.
College of Arts	122	100	142	104
College of Science	316	256	298	237
College for Women	110	102	8	7

Legislative Business.

THE TRIVANDRUM CITY MUNICIPAL BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to move that Mr. G. Narayanan Tampi be added to the Select Committee appointed to consider the Trivandrum City Municipal Bill. Mr. Venkitakrishna Aiyah was the President of the Municipal Council and he was co-opted as a member of this House and was also a member of the Select Committee. But he has now gone to another place. Mr. Narayanan Tampi is the President now and I therefore move that his name be added to the Select Committee.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

The motion was carried.

THE TRAVANCORE INCOME TAX REGULATION (AMENDMENT) BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to introduce a Bill further to amend the Travancore Income Tax Regulation, VIII of 1096, as amended by Regulation, V of 1100, and beg to move that the Bill be read in the Assembly.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, this Bill proposes various amendments to the Income Tax Regulation as it now stands.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*) : I rise to a point of order. This Bill, although it has been published and circulated, is supposed to contain certain important schedules. One of the schedules has not been printed in the copy made available to us. We are handicapped by that.

PRESIDENT : The Secretary says that the Bill has been circulated properly. I shall give you my copy if your copy of the Bill does not contain all the schedules.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : This Bill proposes various detailed amendments to the different Sections of the Income Tax Regulation as it now stands. It is scarcely necessary for me to explain all these amendments. They are all detailed in the notes on Clauses attached to the Bill. However, there are one or two points which I may specifically refer to for the information of the House.

The most important of the proposals in the Bill is to impose a super-tax on incomes above a certain level. That is contained in schedule III. It contains the rates of super-tax and also the taxable limits. It will be noticed that generally speaking super-tax is proposed to be imposed on incomes above Rs. 50,000. Super-tax is an additional income tax levied over and above the ordinary income tax levied under the other provisions of the Regulation. It is levied on corporations, Hindu undivided families and individuals. The minimum rate of super-tax proposed is 1 ch. in the rupee and the maximum is chs. 6 cash 4 in the rupee. The various gradations in the rate are mentioned in the schedule which may be perused.

Another important change proposed is the increase in the rate of income tax in regard to the higher income. In regard to incomes above Rs. 15,000 an increase is made in the rate of income tax. Formerly, the rate was Chs. 2 in the rupee and now it is Chs. 2 cash 12. The general principle observed in this matter is to enhance the tax on higher incomes and to levy an additional tax or super-tax on still higher incomes.

On more than one occasion, the honourable members of the Legislature have suggested that income tax should be levied with greater effect and the rate of income tax should be increased in the case of those who get higher incomes. When this Bill was prepared the suggestions of the mem bers were borne in mind.

Another important change that is propcsed is in regard to the definition of "agricultiural income". It is known to the House that agricultural income s free from income tax. That is based on the principle that the land out of which agricultural income is raised is already paying a tax to Government. But there are lands that do not pay any tax to Government. In regard to such lands, agricultural

income derived therefrom should rightly be subject to income tax. The definition of agricultural income is such that income arising out of land whether subject to land-tax or not is agricultural income. This definition is sought to be restricted. If the land does not pay any tax, then income from such a land should not come in the category of agricultural income.

MR. S. J. NAIR (*Nedumangad*) : Will the honourable member mention the case of lands that do not pay tax to Government?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The Edavagai lands, for example.

MR. S. J. NAIR (*Nedumangad*) I beg to offer a few remarks in this connection. No doubt, land-tax is being levied on lands. It is a very antiquated system. In many of the civilized countries the system of payment of land-tax does not exist. Other taxes have taken the place of land-tax.

PRESIDENT : The honourable member may perhaps specify such a civilized country?

MR. S. J. NAIR (*Nedumangad*) : Germany is one instance of a civilized country. Even in Ceylon no land-tax is levied on cocoanut gardens. In ancient days there was no sort of income for the State to maintain its chief or leader or ruler and his retinue, except this land-tax. As a result of the advancement in civilisation, the State has begun to secure other sources of income such as customs duty, income tax and such other things. In recent times as a result of big fall in the price of agricultural products, the agriculturist class are not able to pay land-tax. It will be better in the interests of the agricultural policy as well as development of agriculture that land-tax is abolished and in its place income tax is simplified and levied as a result of the income derived from lands. The necessary provision may be made in the Bill. In doing so the burden of tax would fall easily and equitably on all; the taxation would be imperceptible, and no one would unnecessarily be burdened with heavy taxation. The absolutely poor and the *bona fide* incapable person would not be compelled to unjustly shoulder the responsibility of paying tax. Whereas tax could be levied upon all those who have got income, whether agricultural or otherwise, the State would in no way suffer in the matter of getting revenue.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : The Law Member has now brought before the House a Bill, the necessity for which was felt from a long time past by all honourable members of this House. In regard to Clause 2 we had occasion to comment on the necessity for the provision when the Edavagai and the Jenmi and Kudiyan Regulations were under discussion. For a very long time the Edavagais were enjoying immunities of various kinds. Government were compelled to incure expenditure on the administration of justice, for preservation of law and order in those territories, even though they were not contributing anything for these purposes. Whereas, the poor land-owner has been paying for these things even more than what he could pay. It is highly gratifying to note that the Government have now recognised this fact.

[Mr. Puthupalli S. Krishna Pillai.]

The other point to which I should refer is about the provision to impose a super-tax on individuals and corporations deriving an income of over Rs. 50,000 a year. It is several years since such a provision was incorporated in the Income Tax Act in British India and properly worked out. It does not stand to reason why individuals who amass large incomes be exempted from contributing a fair percentage of their large income by way of additional tax to enable the Government to carry on the administration more efficiently and properly. We have been clamouring for a reduction of land-tax every year consequent on the failure of crops and fall in the price of agricultural products. We have several times brought to the notice of Government these factors as an occasion for reduction of land-tax. The Government have been from time to time making reductions and meeting expenditure from other revenues. Persons who get large income should make contributions on behalf of less fortunate people for the successful carrying on of the administration of the State. This system has been in vogue in British India from a very long time and has been a success. Even though there were certain objections from capitalists these objections have now died out. So far as Travancore is concerned that provision yet remains to be considered. I find, on a comparison of schedule III printed in the Bill with the provision in the British Indian Act, that a large concession has been made in Travancore in regard to super-tax. I am not in a position to understand why in the case of imposition of a super-tax any Government should show such indulgence towards big capitalists and concerns that amass large fortunes.

PRESIDENT: Just to enable persons in Travancore to be on better terms than in British India.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Anyway, I am unable to understand it. Why should the Government make a difference between the person who gets an income of Rs. fifty thousand per year here and a like person in British India? A person who gets an income of Rs. 3,000 a year in Travancore will be the lord amongst the 50 lakhs of our people. He will be a bigger person than the British Indian Mittadar with 30,000 a year. I am against giving any sort of concessions to persons who have enormous wealth. I am unable to understand the logic of giving a concession to Travancore capitalists.

A comparative study of the schedules discloses the difference that where as the British Indian capitalist pays 1 anna, our Travancore friend pays only 1 ch. This becomes more marked when we come to the last item. The difference is between 6 as. and 6 chs.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Does the member know that these rates will not be practically applied in our State? In our State such individuals and companies are practically nil.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Whatever it is, when there is a possibility in Travancore I do not see why the rates followed in British India should not be applied here. Who knows the potential capacity of any member in this House or of any business-man

in this country? The position taken up by the Land Revenue Commissioner is not entirely correct, for the same difference is maintained even in the case of corporations. In regard to the rates, suppose a bank with its registered office in British India carries on banking through its branch established in this State. We shall be collecting tax at the rate of 1 ch. only and for a similar amount tax at the rate of 1 anna will be paid by its head office in British India. The saving made in our State will go to swell the dividend of the shareholders. The British Indian shareholders are benefited at the expense of the State.

Therefore, I submit that the provision contained in regard to this matter should be brought into line with the provision contained in British India. In regard to super-tax no distinction can be made. In regard to the others there is every justification for making a distinction. Of course in the new schedule, items 4 to 10, some variations have been made. Perhaps it may be that it may not affect a large class of people because ordinarily the tax payer, the average man, does not pay income tax on more than Rs. 15,000. But to the other class of people, probably, it may work some hardship. But their number will be small. The other alterations that I find in the Bill are not very material. They are only changes which have become necessary as a result of the High Court decisions or as a result of the difficulties experienced in the working of the existing provisions. They are not very material. The only material alteration in the Bill is with regard to Section 19 A A (1). That provision does not empower levying of income tax on any person who has been making an income in the State during the past financial year also. When I read this provision I was struck with the paucity of a provision empowering the Income Tax Collectors to levy income tax on persons who come to Travancore, start some business and make profit during two or three months and then leave the State. I am referring to the cenematograph companies. I do not think Clause 19 A A is applicable to them. That aspect of the matter must be borne in mind. I remember a few instances in which this was conspicuously felt. At Quilon some cenematograph companies, who started business and made a lot of money during the course of some 3 months, left the town without any warning. Neither the Municipality nor the Income Tax Collector could get any amount from them out of the huge profits that they made within those two or three months. I would like the Income Tax Collectors to be armed with more effective powers to deal with such cases. Most of the alterations made in the Bill are verbal. I would only earnestly submit that this Bill be passed into law as soon as possible because the absence of these provisions has caused loss to the State in various respects. With these words I support the principle of the Bill.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Sir, I also rise to support the main principle of the Bill.

PRESIDENT; Has the honourable member got a correct copy of the Bill?

MR. S. CHATTANATHA KARAYALAR (*Shencotta*); Yes, Sir. Just now, I have got a copy.

[Mr. S. Chattanatha Karayalar.]

The object of the Amendment Bill before the House is to bring the law of income tax in Travancore substantially into line with the law in British India. The main changes proposed in the Bill are to enhance the rate of tax on incomes of Rs. 15,000 and above and also to impose super-tax on incomes above Rs. 50,000. No objection can be taken to the principle of the Bill.

In regard to the super-tax, I would like to make one suggestion. In British India there is provision made in the Act for giving relief to the assessees in respect of marginal incomes. Although there is no specific provision in the Act itself, the Governor-General-in-Council is empowered under Section 60 of the Act to give relief in such cases and he does give relief in this direction in exercise of the power vested in him. I would, therefore, suggest that a similar provision be made in this Bill for affording relief in the case of marginal incomes. Coming now to the several Clauses of the Bill, Clause 2 of the Bill says :—

> "Income, profits and gains accruing or arising without Travancore to a person resident in Travancore shall, if they are received in or brought into Travancore, be deemed to have accrued or arisen in Travancore and to be income, profits and gains of the year in which they are so received or brought, notwithstanding the fact that they did not so accrue or arise in that year."

There is a corresponding provision in the British Indian Act also to which there are two provisos. While the Law Member has incorporated the first proviso in the Bill, he has omitted the second proviso. I think he has deliberately omitted the second proviso. I shall read out the second proviso in the British Indian Act. It runs thus :

> "Provided further that nothing in this sub-section shall apply to income from agriculture arising or accruing in a State in India from land for which any annual payment in money or in kind is made to the State."

So in British India provision is made for exempting income from agriculture in respect of land in a State for which tax is paid to that particular State. I would suggest that income arising out of land situated in British India and for which tax is paid there must be exempted from income tax in Travancore. I want a provision to this effect to be made so that our law may come into line with the British Indian enactment. Otherwise it may lead to some difficulty. Possibly also, it may lead to retaliation on the part of the British Indian Government.

My next suggestion is with regard to Clause 13. A new Section 19 AA (1) is proposed to be incorporated in the Regulation. That reads thus :—

> "When it appears to the Collector that any person may leave Travancore during the current year or shortly after its expiry and that he has no present intention of returning, the Collector may proceed to assess him on his total income for the period from the expiry of the last previous year for which he has been assessed to the probable date of his departure from Travancore".

There is no objection to the retention of the substance of the Clause. But I fear it may, in actual working, work hardship on persons

from outside having business in Travancore. I wish to point out that if it appears to the Collector that a person may leave Travancore, the Collector may proceed under this Clause. I ask Sir, whether this is a safe and reliable provision. What I am suggesting is that a suitable change in the wording should be adopted so that it may not work hardship. As the Clause stands, it is liable to be abused and may lead to hardship.

My next suggestion is with regard to the new Clause 15. The new Clause proposes to levy income tax on the income accrued to a deceased person, in the name of the administrator or the executor of such person. There is a corresponding provision in the British Indian enactment also. I have no objection to the principle contained in the Clause. While the new Clause provides for the levy and collection of income tax in such cases, there is no provision in the Bill for giving relief by way of appeal or revision to the executor or administrator. The right of appeal, the right to get the assessment rectified, the right to move for revision are expressly granted only to the assessee and are obviously not available to the legal representative. I shall here refer to the definition of the word "assessee". 'Assessee' means a person by whom income tax is payable. It does not include the legal representative of the assessee. In effect, therefore, the administrator or other legal representative will be liable to income tax under this Clause, but he will not have the right of appeal, the right of revision or the right to get a mistake rectified under the provisions of this Bill. I want that a suitable provision should be made so that the right of appeal and other rights may be available to such representative persons as well. With these general observations I support the principle of the Bill.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*) : I also wish to add a few words.

PRESIDENT : The honourable member's voice is unusually low to-day.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*) : I was just beginning. (*Laughter.*) The advocacy of the interests of large classes will generally be entertained in favour in the modern world and the advocacy of the rights of minorities will very often meet with different treatment.

So, I do not feel that the way is very smooth when I say that I have a few words in defence of the rights of certain sections of people who are very small in number but very important in the economy of the State. From time to time the sovereigns of Travancore have recognised the immunity of certain persons and certain classes of property from the incidence of taxation. An undertaking is given by all the ruling Maharajas whether in this century or in former centuries. These prerogatives ought to be entitled to great consideration at the hands of the Legislature. Sir, the Edavagais and the Jenmis and others of the like category are considerable in number in the State. But they are represented very inadequately in the Legislature. And it

[Sadasya Tilaka T. K. Velu Pillai.]

cannot be denied that for generations they have kept alive the torch of enlightenment in the country. If any reform is to be made in legislation, by way of remedying an evil, their views must also be ascertained. But, as a matter of propriety, especially the rights of the small number of voters should also be taken into consideration. I think this House should consider the question in a spirit of generosity, in a spirit of true loyalty. The ruling sovereigns of Travancore have recognised the rights of these minorities for some reason or other. Therefore, accepting that these reasons which weighed with them were conducive to the welfare of the State I say that their rights should not be disturbed. In Travancore, legislation was making certain changes in the law regarding the holdings of Jenmis. In 1041, there was a Royal Proclamation, in 1071, there was the Jenmi and Kudiyan Regulation and later the amendment of the Jenmi and Kudiyan Regulation. Sir, all those were confiscations of the rights of these Jenmis. But they could be upheld as being of advantage to the majority of the population and thus they can be justified. But here in this case to take money from the pockets of these few who are obliged to maintain various institutions, religious, charitable, and such like—that, Sir, would not be fair. Sir, these people who are numerically small are left to smart under the law. Another suggestion put forward in favour of the Bill was that when this Bill goes to the Select Committee and get these provisions passed, the amount of money the Government exchequer will get from these collections will be very considerable.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know from the member whether it was ever the intention of the previous Maharajas that any of us should pay the incometax?

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): The only sober answer that I could give.........

PRESIDENT: I have not the least doubt about your sobriety.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): I am one of those who believe that the intelligence and intentions of Our Maharajas are sacred and so I am not going to answer that question. Sir, my point is only this. You must see whether there is any commensurate advantage to those who are taxed. If the advantages are great this is a matter to be considered. Sir, now with regard to the super-tax in Travancore, whatever may be the optimistic views of my honourable friends who spoke for the provision, I am rather pessimistic. Sir, in Madras and other Provinces because a man makes from legal profession Rs. 30,000 a month. There such kinds of taxes are imposed. But here instead of Rs. 30,000, Rs. 2,000 is the maximum. So there is difference between conditions in Travancore and British India. I may say that I am not for raising taxation. Super-tax is excellent in principle. But I want to put this before the House that this aspect of the question may not be referred to the Select Committee to be determined.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Sir, I want to take notice of one point in connection with this Bill. The House will remember of a cut motion moved by Mr. Kainikara Padmanabha Pillai during the last session of the Assembly to the effect that land-tax should be fixed in accordance with the income derived from land. The majority of the people of the State, if such criterion is applied, will escape to pay any tax; because 90% of them are agriculturists working under a loss and unable to pay any tax. The heavy agrarian indebtedness from time immemorial will bear witness to this fact. On the other hand, the people who are really able to pay any tax to Government are the traders and merchants. That being the case the new Bill was long over-due. In schedule I A the minimum fixed for paying income tax is Rs. 2,000. Sir, if a comparison of the incomes derived from the majority of the agriculturists and that of the traders is made, it would be quite clear that this fixing of Rs. 2,000 as minimum is rather too high. I am of opinion that this standard can be still lowered and the minimum taxable income can be fixed as Rs. 1,000. There is ample justification for this. I don't wish to say that the rate of tax should be as high as 10 cash in the rupee. The House would be justified in fixing a tax on this amount of Rs. 1,000 at 5 cash in the rupee. This is a time when we are trying to find out new sources of income in order to meet our increasing demands. Our land revenue as it stands at present is the maximum and has become almost inelastic. As such, income tax is the only way open to us. All civilised countries are now depending on this source of revenue. Let us also fall in line with other countries. With these words I support the Bill.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I also rise to support the principle of this Bill. It would be conceded that the Bill has not been brought one moment too early. I think, Sir, by the delay that has been caused in giving effect to a legislation of this kind the State has lost, I must say, a substantial amount by this time. This substantial loss to our exchequer has been the gain to other Governments. We have incurred a great loss, it is true, but we are trying to rectify it. My only appeal to the House is to bring into effect this legislation as early as possible. I would even suggest that a Select Committee which goes into the question should do so at once and even the second reading can be finished without delay. Sir, it has been suggested that there is a question of minority and majority, and standing for the rights of the minority and standing for the rights of the majority. But I refuse to believe that there is any such question here except the question of the interests of the State. Sir, it should not be considered that any enlightened citizen of the State will consider the imposition of a tax for the maintenance of the State and for providing the amenities of life, to be a punishment. No citizen who has got a civic sense would feel like that. It has been pointed out as though we are going to tax all Jenmom lands. Sir, it is a misapprehension. We want the lands belonging to Jenmies which are free-holds and which do not pay any revenue or local rate, as is pointed out in Clause 2, which come under non-agricultural incomes to be assessed. Only the free-hold

[Mr. K. Kunjukrishna Pillai.]

land comes under that. Whatever that be, I may be permitted to point out that one-third of the property of whole State belongs to the Jenmies and some of them are free-hold lands. And they have been escaping the payment of any tax till now. Sir, if we look to the intention of the Maharajas of old and conclude that, because under the conditions then obtaining, some persons were exempted from paying land-tax, they must be excluded from any tax in the future—that will be a strange conclusion, a ridiculous conclusion. But my contention how can the progressive needs of civilized administration be met without new sources of revenue. Sir, that is a responsibility which this House will take upon itself, and it is their duty to consider it seriously. I cannot think of a more justifiable tax than the taxes which are proposed in this Bill. Some people think that the super-tax may not fetch much, and why should we introduce it. They say that the gain to the State treasury will be very limited. Why should it be so? The resources it is likely to lead are bound to expand. Why should we be so very pessimistic? They say that super-tax is to be levied on companies which earn large profits. The mining companies and other companies in the State make enormous profits. I think that Travancore is already in a position to impose tax on various kinds of companies and firms that are realising substantial profits. Now they are going scot free on a nominal tax, which would be considered quite ridiculous if we only tried to look into that. The question is not whether it is going to be a small gain or otherwise. The resources of our State stand in need of replenishment. We have always been demanding from the Government various concessions for the agriculturists and the tax-payers of our land and we have been asking Government to spend more and more for the development of roads and communications and other things. It is to be pointed out, that we must also help Government in the realisation of income taxes for the expenditure on nation-building activities as well. We find that the first income tax in India was introduced in 1860 and that was necessitated on account of the trade depression and the financial circumstances of the Government of India after the mutiny, and the question of enhancing it was made after the last world war. The question again was financial necessity. Sir, the question of financial necessity has to be considered very seriously and it ought not to be confused by unenlightened sentimentality. In fact, there is no question of minority and majority arising in this connection. Only those who are able to pay, only people who have a sufficient margin of profit are asked to pay to the State. Enlightened citizens, will welcome it as has been suggested by my friend Mr. Karayalar. I made special reference to Mr. Karayalar, because he is a man who according to me enjoys a taxable income.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Is the member in order, to refer to the income of the other members?

PRESIDENT: Order, order.

I presume the honourable member intended it as a compliment. (*Laughter*).

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I was very glad to find that he accepted the principles of this Bill and I felt that was the attitude that all people who might be subjected to the provisions of this Bill had to take. These provisions, again, can be modified in such a way that there may not be evasion. That is the question that we should consider carefully at the Select Committee stage. The possibility of evasion has to be prevented against as much as possible. I have very great pleasure in supporting the principle of the Bill. I also make a request that Government may take up this matter as urgent and will see that a Select Committee may be left in charge of this Bill and that the Bill may be brought up as early as possible. Even before this Council came, a proposal was made by Mr. V. Subba Aiyar, who was the nominated Deputy President, to levy some kind of tax on jenmom lands. He laid emphasis on all these and wanted Government to make some measure to bring under the control of Government such lands which pay no taxes.

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): I rise to explain one or two points discussed during the course of the debate. The first point is about the rate of the super-tax. The super-tax here was pitched on a lower level than the rate obtaining in British India, with a view to attract foreign capitalists in British India and elsewhere and to induce them to invest their capital in Travancore for industrial and commercial purposes. We want to offer a substantial inducement for them to do so. For some more years, I think, foreign capital will be necessary for the complete exploitation of the industrial and commercial possibilities of Travancore. Government deliberately intended to offer a substantial inducement to them to invest their capital in Travancore. It is for that purpose that the rate is proposed to be fixed somewhat lower than the rate prevalent in British India or Mysore or elsewhere. That explains the object of the lower rates of super-tax, proposed.

MR. S. CHATTANATHA KARAYALAR (*Shercotta*): May I know whether the rate is intended only as a temporary measure?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): Not as a temporary measure. There is however nothing to prevent the rates being increased later on, if found necessary.

So, that is the reason why Government have fixed the rates of the super-tax lower than those in British India.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Does the member argue that, if we are to raise the rates as in British India, it will not be so attractive as it is now.

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): If a man has got to pay a lower tax, it is only natural that he will invest his capital in Travancore rather than say in British Malabar, so that Travancore will get the benefit of his investment.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): If that is the object, Sir, why not we do away with the super-tax altogether.

RAO BAHADUR A RENGASVAMI AIYAR (*Financial Secretary to Government*): Sir, because we want money for revenue purposes. This is the first time that we are introducing super-tax in Travancore. Later on, we would know whether experience would justify the increase of this rate. If the financial position requires it, Government will not hesitate to increase the rates.

I have got only to meet the point raised by Mr. S. J. Nair. He said that the land revenue must be abolished altogether and that the rates should be so revised as to get the same revenue from the new Income Tax Bill. Sir, this is not practically possible. We get forty lakhs by way of land revenue. By no stretch of imagination, can we think of revising the income-tax rates to secure the same yield. Moreover, a resolution to this effect was ruled out during the budget discussion.

Then I shall proceed to notice some of the points raised by Mr. T. K. Velu Pillai. The point is, we want to relieve the burden on the poor people, and to tax only the rich people. We have even dropped the middle class people from the scope of this Bill.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnatiur cum Pattanapuram*): May I know whether at present the income tax of Jenmi and Edavagai lands is exempted from the tax?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): I believe under the present law it is not taxable. The income derived from that land is not taxable as income tax. Probably the Income Tax Commissioner, when he rises to reply will refer to this point.

(At this stage the President left the House and the Deputy President took the Chair.)

MR. K. PADMANABHAN (*Chirayinkil I*): I may also say that the income tax law of our State stands very badly in need of revision. The defects in the income tax law of our State and the very bad need for effecting suitable modifications in the law have been brought home to this House by very many honourable members. I take it that this Bill is a response on the part of Government to satisfy the demands made by this House. Sir, the various amendments proposed in this Bill really explore new sources of income tax. To that extent I may say that this Bill has been able to satisfy some of the demands made.

Sir, we have also been complaining about the defective method adopted by income tax authorities in the matter of assessing and collecting income tax. This complaint has been completely ignored by the authorities in framing this Bill. On account of the defective method in the procedure adopted by the department in the collection of the income tax the assessee are put to serious hardship and inconvenience. In a large number of cases the appellate and revisional authorities had to interfere with and set aside the decisions of subordinate officers. I am fortified in my views by the Administration Report for the year 1110. Often they resort to summary procedure, so much so that it so happens

that persons who are not to be assessed are assessed to income tax and persons who have assessable income are not assessed. This should engage the attention of this House and I may say that this matter is well worth looking into when this Bill goes to the Select Committee. I suggest that suitable provisions may be incorporated in this Bill to regularise or to make systematic the law and procedure in regard to the assessment and collection of taxes. With the above reservation I support the principle of the Bill.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I also rise to support the principle of the Bill. I had no intention of speaking upon this Bill until I heard the learned Financial Secretary. Sir, the reason that he has urged for reducing the rate of super-tax is that it is only then that we would be able to attract foreign capital into our country. Sir, I am one of those who think that the tax must be in proportion to the income; and the tax-payer must be willing to pay the tax to meet the expenditure of the State. According to me there is absolutely no ground for showing any manner of concession with regard to the levy of income-tax or super-tax. Super-tax is a very legitimate form of taxation. Sir, the Financial Secretary has told us that super-tax has been fixed at a lower rate here than in British India with the idea of encouraging the industrial activities of foreigners here. I could have very well understood that argument if the provision had been made available to the industrialists of Travancore.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Does that not follow?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, the idea of the Financial Secretary seems to be that we should attract foreign capital by this reduced rate of super-tax, and that after they have come and invested their capital here, some years later, the rate of super-tax must be increased.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Why not levy this tax from outsiders alone?

MR. A. S. DAMODARAN ASAN (*Mavelikara*) There is no harm in levying the tax uniformly from all people. My point is this. The Financial Secretary suggested that we should now attract foreign capital and later on enhance the rate of super-tax. If it is the rate of income-tax and super-tax that really controls the question of foreign capital coming in here, we should have had a good lot of foreign capital already in the country since we do not have any super-tax at all now. I wish to make it clear that the present Bill need not be supported on the ground that it is going to attract foreign capital.

With these words, I support the principle of the Bill.

MR. N. E. VARUGHESE (*Tiruvalla I*): Sir, I welcome the introduction of this Bill. But I would suggest that we should not rush it through in any haste. The Bill seems to have been published in the Gazette only some days back. (*Cries of louder, please.*) Many of us are not even in possession of copies of the Bill.

DEPUTY PRESIDENT: Mr. Varughese has made an allegation which I consider important. Will the Government Benches enlighten the House on the point?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Copies of the Bill were supplied in due course as per the rules others had got it.

DEPUTY PRESIDENT: I think the Chief Secretary's words are conclusive on the point.

MR. N. E. VARUGHESE (*Tiruvalla I*): I may assert that I got a copy of the Bill only to-day.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Did he not get the copy of the Gazette to which he referred?

MR. N. E. VARUGHESE (*Tiruvalla I*): I did not, because it was sent to my native place.

The Bill contains very important provisions. It is therefore very necessary that all the members of this House are given sufficient time and opportunity to express their opinions on the various provisions of the Bill. It has been stated that the Bill has been drafted on the lines of the British Indian Act Conditions in British India differ materially from conditions here. Therefore, the fact that this Bill has been framed on the lines of the law in force in British India cannot be a reason why the Bill can be rushed through in haste. As it is, if the Bill is referred to a Select Committee now, the opinions and criticisms of all the members of this House may not be available for the Select Committee.

There is also another aspect of the matter. Sir, Travancore is a land of charity. The motto of our Royal House is 'Charity our household divinity.' Sir, we are all proud of that. Therefore, in introducing any measure involving taxation of the people, we must be very cautious. That is another reason why I say that some more time should be given, to the public and to the members of this House, to consider the various provisions of this Bill more carefully and to express their views. I would suggest therefore that the Bill need be referred to a Select Committee only at another session of this House.

DEPUTY PRESIDENT I fear Mr Varughese is irrelevant. The question of the Bill being referred to a Select Committee is not now before the House. We are now at the question that the principle of the Bill be affirmed.

MR. N. E. VARUGHESE (*Tiruvalla I*): I have nothing more to add, Sir.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): I also rise to support the principle of the Bill. Mr. Varughese and some others seem to think that the Bill contains provisions which make very drastic changes in the present Regulation. On a closer study of the Bill it will be seen that there is not one provision in the Bill which is unnecessary. We have been clamouring in this House that land-tax must be substituted by income tax. My friend Mr. Kainikkara Padmanabha Pillai on two former occasions moved resolutions to this effect.

Therefore, a Bill to amend the Income Tax Regulation is quite welcome. And the various clauses of the Bill are very practical and quite necessary.

MR. P. C. KURIYAN (*Kottayam I*): May I know whether the principle of land-tax............

DEPUTY PRESIDENT: I did not hear a word of what you have said; please repeat the question louder.

MR P. C. KURIYAN (*Kottayam I*): May I know whether the principle of land-tax has in any way been interfered with by this Bill?

DEPUTY PRESIDENT: That question need not be answered.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): Sir, it has been the practice on the part of many people to evade payment of income tax somehow or other. The present Bill seeks to change the word 'taxable' into 'total'. The word 'taxable' has been mainly responsible for the evation of payment of income tax. That change is therefore a very important and a very wholesome change.

There are also very many other important and useful changes.

Clause 19 AA is another very important provision. It is now the practice on the part of P. W. D. contractors, and others, many of them outsiders, to come here, make huge profits and run away to British India just at the time of assessment, because, under the existing law, assessment cannot be made till the financial year is over. That has been prevented by Clause 19 AA.

Again Clause 19 BB is also a very important provision. Under the present law, it is not possible to assess the income of a deceased person. Provision has been made in Clause 19 BB to assess the executor or the legal representative of a deceased person to income tax on the income of the deceased person and realise the same from the assets of the deceased.

I have a suggestion to make in this connection, Sir. Income tax will be a Federal subject and if Travancore enters into Federation, then my question will be very useful. The practice on the part of all business men is to keep their accounts in British currency, Rs. as. ps. My suggestion is that, for purposes of income tax, the Government also may adopt that currency. It will also be useful for according relief from double taxation.

Sir, this Bill has been long over-due. In the sister State of Cochin, where an Income Tax Regulation was passed only about two years ago and amended recently, they have already constituted a separate Income Tax Department. I would suggest that our Government also might consider the desirability of doing that.

With these words, I support the principle of the Bill.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur* cum *Pattanapuram*): I also fully support the principle of the Bill. It was generally assumed in the discussion that the income derived from jenmom properties by the jenmies, and the income of the Edavagais are exempt from the payment of income tax. I think it is a wrong assumption. My friend Mr. Jayantan Nambootiri tells me........

[Changanachery K. Paramesvaran Pillai.]

(The member then had a short personal conversation with Mr. Jayantan Nambootiri.)

DEPUTY PRESIDENT: I object to one member taking instructions from another in the open House.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI *(Kunnattur cum Pattanapuram)*: He told me that income tax was being levied from Jenmie. I say that they are not exempt from income tax even to-day.

But the present Bill is contemplated to tax another class of people, namely, the tenants of jenmis, because their income will not hereafter come within the definition of agricultural income. But even that fact will not deter me from supporting this measure because what is now sought is not the assessment of these lands to land revenue but their tenants to income tax. This will affect only tenants who make more than Rs. 2,000 a year. I do not see any reason why they should not be taxed. I therefore support the measure.

MR. K. GEORGE *(Land Revenue and Income Tax Commissioner)*: Sir, this measure has, it appears, received almost universal support.

Sir, our income tax law is based on the 1918 enactment of British India. That Act has undergone several changes while we have only had one amending Regulation. After we passed the Income Tax Regulation of 1096 and the amending Regulation of 1100, a large number of amendments have been carried in British India. One of the objects of this Bill is to bring our Regulation also into line with the Act in British India and with the Regulations in force in Mysore and Cochin. In the working of our Regulation, several ambiguities and defects in wording have been noticed. One of the objects of this Bill is to remedy those defects and clear those ambiguities.

Another object is, as has been stated by the Law Member and the Financial Secretary, to increase our revenue. I believe the House will be interested to know from me the objects and reasons of some of the more important amendments. The alteration in the definition of agricultural income has been referred to. As stated by Mr. Changanachery Paramesvaran Pillai, the effect of it will be to bring under taxation the agricultural income of tenants of Edavagais and other non-tax-paying lands. He is right when he says that the tenants of Edavagais will have to pay income tax when their income is above Rs. 2,000.

MR. A. THANU PILLAI *(Trivandrum-Rural)*: May I ask whether it is not a hardship to charge the agricultural income of tenants who pay tax to the Edavagais though not to the Sirkar?

MR. K. GEORGE *(Land Revenue and Income Tax Commissioner)*: The point is that they do not pay any tax to the State. They may be paying some tax to the Edavagais. The amendment will bring in the income of such tenants also under the provisions of the Income Tax Regulation.

MR. N. E. VARUGHESE *(Tiruvalla I)*: Are they not contributing to the revenues of the State by other means?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): They are not contributing more than the other subjects of the State and they are not contributing anything to the State as land revenue.

MR. K. P. KRISHNA MENON (*Parur*): May I know whether Government are not assessing Edavagais to income tax?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): No, not on the lands held by tenants.

I am glad that the majority of the members of the House are agreeable to the assessment of such income.

Another important change is the provision made to bring under assessment incomes below Rs. 2,000 when the total income exceeds the limit. According to the present Section 14 and the schedule appended to the Regulation. if a man, with a total income of Rs. 2,050, is paying a premium on insurance and his taxable income falls below Rs. 2,000 thereby, he is not liable to assessment. We propose by this Bill to tax such people also. That is to say, even if a man's income falls below Rs. 2,000 because of certain permissible deductions, he will not be exempt from taxation.

There are certain other minor changes in the Bill in favour of the assessees. There is a small change in Clause 23. At present Clause 23 permits the Chief Revenue Authority to revise an order of a subordinate authority only if there is an assessment proceeding before that authority. Now we propose to drop the words 'assessment proceeding' so that any case can be brought in revision before the Chief Revenue Authority.

Apart from all these small changes, the most important changes are in the schedule and in the levy of super-tax. I believe the House will be interested to know the amount of extra revenue we expect to derive by these changes. It will be noted that no increase is proposed in respect of incomes below Rs. 15,000. The increase is on a graduated scale on incomes above Rs. 15,000.

The principle on which we have omitted lower incomes is that the revison will not give us any substantial revenue, while at the same time it wili clause hardship to the poor assessees. The limit of Rs. 2,000 was reduced in British India for a short period but was restored later on. In Mysore, the limit is Rs. 2,400 and in Cochin it is Rs. 2,000. If you bring in for assessment incomes between Rs. 1,000 and Rs. 2,000 a large number of petty traders will be assessed but that will not give any considerable addition to our revenue. I made a calculation sometime ago and I find that we may not get more than Rs. 10,000, if the limit is reduced to Rs. 1,000.

Profits, according to the Income Tax Regulation, are not the actual book profits. Certain items of expenditure are not allowed by the income tax law. So, it will be found that in certain cases though the accounts might have closed with a loss, the concern will be asessable by the addition of certain items of expenditure which are not allowable deductions. Hence in the case of smaller assessees, it will be a great hardship if we reduce the limit below Rs. 2,000.

[Mr. K. George.]

The extra income which we may get by the revision of the rates is not very large. I have made a rough calculation—it may not be quite accurate but from the figures I have at present, I find we might get from individuals Rs. 13,000 and from companies Rs. 1 lakh and from firms Rs. 27,000, *i. e.* on the whole about Rs. 1·40 lakhs.

MR. A. THANU PILLAI (*Trivandrum-Rural*): What is the present figure ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): The present figure is in the neighbourhood of Rs. 6 lakhs. The extra income is not very big but it is something worth having. We are not raising it from poor people but only from people who are really able to pay.

Another change I want to mention here is about the assessment of companies. Formerly, the limit of Rs. 2,000 applied to companies as well. But by the present amendment, whatever be the minimum income, a company as well as a registered firm will have to pay income tax. That is in accordance with the provisions of the law elsewhere. Of course the individual assessees who are shareholders of the companies or members of the firms are eligible to get refunds on their respective incomes. So there will be very little hardship.

The House adjourned for lunch at 1 P. M. and met again at 2 P. M. with the Deputy President in the Chair.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): The last point I have to refer to is about the proposal to levy super-tax. The principle of levying super-tax on large incomes above Rs. 50,000 has been generally accepted. But the question has been asked why we have fixed a lower rate than in British India. In British India the super-tax rate on companies is one anna in the ruppee for every excess over Rs. 50,000. Here it is one chuckram. We have also proposed graduated rate of super-tax from individuals, undivided Hindu families and unregistered firms. So far as these latter class of people are concerned I do not expect there would be any case of assessable income in Travancore. But in the case of companies there will be a few which will come under super-tax.

One important reason which weighed with the Government in not imposing the same rate as in British India was this. In the case of companies, which alone would be liable to super-tax, we have by the revision of the schedule increased the ordinary rate of income tax by fifty per cent. At present the companies pay income tax only at the rate of chs. 2 in the rupee, but in the revised schedule it has been raised to chs. 3 per rupee. In addition to that, an imposition of super-tax at the British Indian rate all at once would be an undue burden. Further, although there is super-tax in British India and Mysore, the Cochin State, which recently increased the ordinary income tax rate under the schedule has not imposed super-tax. Taking all these things into consideration, Government thought that it would not be advisable to impose the higher rate of income tax and super-tax prevailing in British India. I may mention that the amount of income that we may

expect from super-tax would not be very much. According to present calculations it would roughlly come to half a lakh. I expect that about Rs. 5,000 may be realised from individuals and Rs. 45,000 from companies. This is the present estimate so far as super-tax is concerned.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): May I know from the member what extra cost will be necessary for the collection of this tax ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): The present staff will be able to cope with the work.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): What about the grant of relief to people who get a marginal income ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): There is such an arrangement in British India. But that is a matter which I think may be considered at the Select Committee.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the *jenmikaram* now collected by Government on behalf of jenmis will come under the present law for assessment ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I must examine that question. It is not free from doubt, because *jenmikaram* is a new kind of receipt by the Jenmis. The question is whether it is rent or revenue derived from land which pays tax to Government.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know whether the existing law can affect the Edavagais in respect of their income ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Incomes derived from the *thanathu* lands cannot be assessed; but incomes that a tenant gets from the property of *edavagais* can be assessed .

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know why the income derived from an Edavagai is excluded under the present law ?

MR. K. GEORGE (*Land Revenue and Income-tax Commissioner*): The present law exempts all incomes from land used for agriculture whether they pay revenue to Government or not.

MR. A. THANU PILLAI (*Trivandrnm Rural*): In respect of Edavagai incomes, may I know whether it is considered as income derived by agriculture or as rent under Section 2, clause (1) ?

MR K. GEORGE (*Land Revenue and Income Tax Commissioner*): The difference would be this. So far as the Edavagai Chief is concerned, if he cultivates the land and gets an income from it, that is not subject to assessment. If he gives the land to a tenant and gets rent, then that income is assessable.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether the member is aware of a decision by the honourable High Court in the case in which the Edavagai Chief was one of the parties, that all incomes derived from the free-hold land are liable to assessment according to the Income Tax Regulation ?

MR. K. GEORGE (*Land Revenue and Income-Tax Commissioner*): I am not aware.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Sir, the change sought to be made in the Bill by the definition of agricultural income does not appear to me beyond controversy. Hitherto, any income derived from any land in Travancore by agriculture was exempted from payment of income tax. Now in the clause in Section 2, the change proposed to be made is "such lands as is referred to in clause......and is situate in Travancore" be substituted for the words "lands in Travancore". This change in the definition leads to this result. The land-holders in the Edavagai who have hitherto been exempt from payment of income tax in respect of their income from their holdings in those Edavagais, are hereafter going to be assessed in case their income is above Rs. 2,000. To me it appears that it will be a very inequitable arrangement. If we proceed purely on the basis that income from any land which is not subject to land-tax, that is tax to Sirkar, should be exempt, then it is all right. What is the basis of that exemption that is what we have to consider? In the case of *pandarapattom* land, the land-holder, whatever may be his income, is exempted from payment of any tax so long as he holds land subject to Sirkar assessment. Now, Sir, in Edavagai the holder is in possession of lands not because of any peculiar circumstances beyond the pure fact that he happens to be an inhabitant and owner of land in such Edavagai. When once he is under an obligation to pay rent-you may call it whatever name-in fact we know it is the rent due to the Edavagai Chief. That rent takes the place of Sirkar tax in the case of *pandarapattom* lands. If it is the object of the Legislature not to encumber the agriculturist with too heavy burdens, in other words, if it is the object of the Legislature to see that the agriculturist is not subjected to a burden which he may not bear, that is to say, if he pays land-tax in respect of holdings, he should not be burdened with another tax at the same time. If that is the object and if that is rooted in the desire to help the agriculturist to carry on his livelihood, to carry on his agriculture and earn a living by agriculture, then, I submit that it is for the serious consideration of the House whether it is desirable that the the Edavagai tenant should again be assessed to income tax. I see no justification for that course. Of course I can understand the fact that the tenants of an Edavagai are not contributing anything to the State coffers. But that is due to peculiar circumstances. They are contributing to the coffers of somebody in the place of the Sirkar. That is a fact which could not be ignored. Naturally we should assess those that are in receipt of rent from these land-holders. There must be some equitable arrangement by which the income from Edavagais may contribute a portion to State coffers. That is another matter. But so long as it is not possible and practicable owing to peculiar circumstances-because, the Edavagai chiefs are the proprietors of lands in Edavagis and are entitled to receive rent that would otherwise have gone to the Sirkar-so long as that is the position, I think that we should think twice before we think of subjecting these tenants to double taxation in the manner sought to be done by a change in the income tax law. Therefore I think the Select Committee should certainly consider this matter in

detail and give up the idea if it is objectionable. It should not be taken that because we approve of the general scheme of the amending Bill the power of the Select Committee is concluded. The Select Committee must be in a position to reopen the question because it is an all-important point. This is not the first time I understand such a matter is being considered by the Legislature. The same question was considered once before and that position was given up. Because justice was on the side of the tenant. I can understand that a fairly good income may come to the State coffers if this is adopted. There may be rubber estates and other valuable estates in areas where land is not subject to Sirkar assessment. But that is another matter. There may be proprietors of rubber estates who do not pay to the State coffers as much as they ought to. But the Legislature must device suitable remedies to get over that situation. And, if it is equitable to compel them to pay to the State coffers we must device appropriate means. This would involve a large number of ordinary tenants in difficulties to which the Legislature will not be justified. So this is one of the points that I wanted to place for the consideration of the House.

As for the super-tax, of course it is a means of adding to the State revenue without doing any substantial harm to anybody. As for the statement of the Financial Secretary that it was to draw capital from outside that the rate was reduced from what is obtained elsewhere, I must certainly disclaim all association with him. He made the statement that we have succeeded in drawing enough capital and so we thought of reducing the rates. I never expected such a statement from the Government member. The non-official side dissociate from that view taken by him

The Bill deals with a number of matters relating to procedure. All that will have to be gone into in detail in the Select Committee. Several matters may have to be accepted, several modified and several even rejected. For instance, in regard to appeals I find one provision where in it is stated that in case the assessee was not able to furnish the method method of his income there will not be any appeal at all.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): There is a provision under which he can get remittance from the Collector.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Under the existing Regulation an appeal is provided for if the Collector refuses it. Under the proposed law there is no provision like that. That is a great hardship. I am not going to deal with that in detail. I think sufficient and proper changes will have to be made. Those are matters of detail. With these words I support the principle of the Bill.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): Sir, after going through the Bill I was in a doubt as to whether the tenants of Edavagai will be assessed to income tax over and above the tax that they have to pay. Mr. Changanachery Paramesvaran Pillai made pointed reference to that in his speech and after hearing the speech of the Land Revenue Commissioner the fact is made clear that Clause II will

[Mr. S. Nilakanta Pillai.]

enable the Government to assess the tenants of Edavagai to income tax over and above the tax that they have to pay to the Chief. Sir, this, I submit, is a great hardship and not fair. In the case of owners of *Pandaravaga* lands they have to pay only one tax. They are not assessed to income tax if their income comes to Rs. 2,000 or exceeds that. I take very serious objection to this provision in the capacity of the representative of one of the Edavagais, *viz.*, Kilimanur. I object to the Bill to the extent that it seeks to impose income tax on the tenants of Edavagai. I think the Select Committee which is going to be formed must consider this aspect of the matter very seriously and so alter the Clause as not to assess the tenants of Edavagai to income tax.

I also take objection to Clause 16 which says that the right of appeal shall not be available to those who fail to comply with the preliminary notice of assessment. Sometimes it may be that certain people may not be aware of the notice. I know certain instances where the assessees were not informed of the preliminary notice. When the assessees came to know of the assessment they preferred appeals against the orders of the Tahsildar and their appeals were allowed; and it is not fair to take away the right of appeal. If Clause 16 is allowed to stand it will work great hardship. So, I take objection to it. I generally support the principle of the Bill.

MR. T. S. JAYANTAN NAMBOOTIRI (*Travancore Jennies, North*): സർ, ജന്മിക്കരം കുടിശിഖകൾ കൂടി ഇവിടെ ആലോചിച്ചിരിക്കുന്ന ആദായനികുതിബില്ലിന്റെ പരിധിയിൽ ഉൾപ്പെടുമോ എന്ന ഒരു ചോദ്യത്തിന് സമാധാനമായി ലാൻഡ്റവന്യൂ കമ്മീഷണർ പറഞ്ഞതു അതിനു ശരിയായ ഉത്തരം ഇപ്പോൾ പറയുവാൻ നിവൃത്തിയില്ലെന്നാണ്. ജന്മിക്കരം കൂടി ഇതിന്റെ പരിധിയിൽ കൊണ്ടുവരുന്നതുകൊണ്ടു ജന്മിമാക്ക് വളരെ ദോഷമുണ്ടാകും. സർക്കാർകരം കൊടുത്ത വസ്തുക്കളിൽനിന്നുമുള്ള ആദായമാണ് ജന്മിക്കരം. അതുകൊണ്ടു ആദായനികുതി റഗുലേഷനിൽ അതൊരിക്കലും ഉൾപ്പെടുത്താൻ പാടില്ല. അതുപോലെതന്നെ അവ്യക്തമായ ചില വകുപ്പുകളും ഇതിലുണ്ട്. അതു ദുർവ്യാഖ്യാനത്തിനിട വരുന്നുവെങ്കിൽ അതും ന്യൂനപക്ഷക്കാർക്കു വലിയ ദോഷത്തെ ഉണ്ടാക്കും. ന്യൂനപക്ഷക്കാരുടെ അവകാശങ്ങളേയും രക്ഷകളേയും സംരക്ഷിക്കേണ്ട ചുമതലയേപ്പറ്റി ഇന്നുരാവിലെ ഡെപ്യൂട്ടി പ്രസിഡന്റവർകൾ പറഞ്ഞ അഭിപ്രായത്തോടുകൂടി ഞാൻ പൂർണ്ണമായി യോജിക്കയും, ന്യൂനപക്ഷത്തിന്റെ രക്ഷയെ കരുതി വേണ്ട വ്യവസ്ഥകൾ ചെയ്യണമെന്നു അഭിപ്രായപ്പെടുകയും ചെയ്തുകൊള്ളുന്നു.

MR. P. C. KURIYAN (*Kottayam I*): Sir, I support the principle of the Bill. (*cries of louder, please*). I appeal to the House that I am not well.

DEPUTY PRESIDENT: If the member is agreeable I am prepared to advise that he is not bound to speak.

MR. P. C. KURIYAN (*Kottayam I*): Sir, I welcome this amending Bill and while supporting the general principles of the Bill I wish to speak a few words about the treatment the Edavagai tenants are going to get by this Bill. Sir, it is an accepted principle of this State not to assess income from land and if this principle is to be departed from, there must be very strong reasons for doing so. It has been argued that as Edavagai tenants are not paying any tax to the Sirkar, it is only fair that they also should be made to contribute their quota to the State coffers. It may be a fact that they are not really paying anything direct to the Sirkar, but the fact cannot be overlooked that they are really paying rent or tax to their Jenmi or Edavagai chief as the case may be, and it should also be borne in mind that if they are paying tax only to the Edavagais and not to the Chief they do not do so at their own instance. If anybody is responsible for their so doing it is the State and State alone, and it is not for the State to turn round and tell them that because you are not paying us tax directly we are going to tax even at the sacrifice of some of the well established canons of taxation. Moreover, though they are Edavagai tenants, they are also like any one else, citizens of Travancore and *bonafide* subjects of His Highness the Maharaja and as such they are also entitled to get the sort of treatment as any other citizen of this State.

Sir, if it is an attempt to make the rubber and tea plantations pay a portion of their income to the State, it should be achieved by entirely different methods We could bring a Bill for that purpose affecting all the plantations in the State whether they were Edavagai lands or not. With these words I resume my seat.

MR. R. RAMAN PILLAI (*Changanachery cum Peermade II*): May I know why rubber and tea are to be considered separately from other matters?

DEPUTY PRESIDENT: He takes a particular view.

MR. R. RAMAN PILLAI (*Changanachery cum Peermade II*): I wish to know the reason if he is prepared to do so.

DEPUTY PRESIDENT: If he is prepared he can say that. He is not prepared.

MR. R. RAMAN PILLAI (*Changanachery cum Peermade II*): Sir, I support the principles of the Bill. In order to avoid repetition I may say that I support entirely Mr. Krishna Pillai with regard to super-tax and Mr. Thanu Pillai as regards income tax on Edavagai properties. As regards the honourable member for Trivandrum Municipality who said that Jenmis should not be taxed, I am sorry to say that I disagree with him.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know the name of the member who represents the Trivandrum Municipality?

DEPUTY PRESIDENT: That does not arise. (*Laughter*). Each member of this House has got a duty to the member representing a particular constituency.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, the Bill has received a large volume of support and I do not think it is necessary to detain the House with attempting to reply to any of the criticisms made on it. If the House accept the principle of the Bill, a Committee may examine it in detail.

The question that the principle of the Bill be affirmed was then put and carried.

The Secretary to the Assembly then read the title of the Bill as "A Bill further to amend the Travancore Income Tax Regulation, VIII of 1096, as amended by Regulation, V of 1100."

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I move that the Bill be referred to a Select Committee consisting of—

Messrs:

1. T. K. Velu Pillai
2. A. Thanu Pillai
3. A. Rengasvami Aiyar
4. K. C. Karunakaran.
5. Antony George
6. J. W. Tolson
7. Pottayil, S. Krishna Panickar
8. K. M. Kuriakose
9. S. J. Nair
10. A. S. Damodaran Asan
11. T. P. Velayudhan Pillai
12. K. Mahomed
13. Menatheri N. Kesava Panickar
14. S. Chattanatha Karayalar
15. Narayanan Bhattatiripad and
16. John Joseph

The Committee is to report within four months.

MR. C. V. CHANDRASEKHARAN (*Ag. Diector of Public Instruction*): I second it.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade*): I suggest that a member representing the Jenmis may also be included.

MR. S. J. NAIR (*Nedunangad*): I propose that Mr. Jayanthan Nambootiripad may also be included.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have already got the names of 16 members. I cannot have more. It may be put to the vote of the House.

MR. S. J. NAIR (*Nedunangad*): Then I do not press it.

The motion, by leave, was withdrawn. The motion of Mr. Kayalam Paramesvaran Pillai was then put and carried.

MR. N. E. VARUGHESE (*Tiruvalla I*): Sir, I move that somebody to represent the tenants of an Edavagi is also added.

DEPUTY PRESIDENT: I rule that what Mr. Varughese says is quite out of order, for while it is open to every member of the House to propose any individual member, a vague suggestion that a member representing somebody is no motion before the House. Mr. Varughese is so entirely out of order.

THE TRAVANCORE SURVEY AND BOUNDARIES REGULATION (AMENDMENT) BILL.

Clause I.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Sir, I beg to move the following amendment :—

"In Clause I, sub-clause (1) "1112" may be substituted for "1110" "

Sir, this Bill was passed in the Sri Chitra State Council in 1110 and was expected that it will become law also in 1110. That is why it is called Travancore Survey and Boundaries Regulation (Amendment) Bill of 1110. Now we are in 1112 and so it is only right that the short title should agree to the date in which the Regulation was passed.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I second the motion.

The motion was carried.

Clause I as amended was added to the Bill.

Clause II.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I beg to move the following amendment :—

"In Clause II, under Section 34 (2) delete the portion beginning with "but" in line 4 and ending with "Survey mark" in line 6 and insert the words "where such mark or object has been proved to be erected or placed by the accused" between the words "and" and "recover" in line 8.

The object of this Amendment Bill is to have a provision for punishing persons who erect any counterfeit survey mark and to give power to courts to remove such survey marks. For that, it is stated that a prosecution may be launched by a complaint by the Tahsildar or by a complaint filed with the sanction of the Tahsildar. In sub-clause I it is stated that "whoever erects or places any mark or object which is not a survey mark intending or knowing it to be likely that such mark or object may be understood or believed to be a survey mark shall, on conviction, be punishable with fine which may extend to one hundred rupees." In order to convict the accused there must be an act accompanied with intention or knowledge. If the act is not accompanied by intention or knowledge there is no offence. Sub-clause (2) provides for cases in which the accused is not convicted. The accused will be acquitted in cases in which the act is not proved to be intentional and also in cases in which there is no proof even as regards the act against the accused. Even in those cases sub-clause (2) says that power must be left with the court to remove such survey mark and recover the cost from the accused. My objection to the Clause as it stands is this. The first part of my amendment relates to the deletion of the portion beginning with "but "and closing with " survey mark" and it will be found that under the present Bill even though the court

[Mr. A. S. Damodaran Asan.]

finds that there is a counterfeit survey mark it can remove or order the removal only if it is proved that that mark was erected or placed by anybody with the intention or belief that it was likely to be understood as a real survey mark. So the court has to come to the conclusion, before ordering the removal, that that mark was erected or placed by somebody other than the accused and that it was with the intention or knowledge that it would be understood as a real survey mark. But the power to remove a survey mark must be vested in the court and a court need only see whether counterfeit survey marks were standing so as to mislead the boundaries and they will have to take the evidence from the owners of adjacent lands. So, whenever a counterfiet survey mark is found to be such by the court and where the court thinks the removal of the same is necessary in the interest of the owners of the property, the court must have ample powers to remove the same whether any intention or knowledge existed in the mind of anybody. Hence I am submitting that that portion must be deleted.

With regard to the second part of the amendment, I have suggested the words "where such mark or object has been proved to be erected or placed by the accused" between the words "and" and "recover". If the Clause is allowed to stand as in the Bill the accused will be bound to pay the cost of removing the survey stone even if it was not erected or placed by him. If the court comes to the conclusion that he is innocent of the whole charge there is no reason why the charges or cost should be recovered from that accused. So I have stated that cost is to be recovered from the accused only if it is proved that the survey mark was erected or placed by the accused himself. Sir, if my amendment is accepted, it would so change the Clause as it stands as to save the accused from the liability for the wrong acts of a different person. With these words I move the amendment for the consideration of the House.

MR. S. J. NAIR (*Nedumangad*): In supporting the amendment I might say that in sub-clause (2) it is stated that the court can order the removal of a survey mark but the court will have to enter an additional finding that it was erected by somebody with the knowledge and belief that it was a survey mark. Therefore the second finding that the particular mark was placed with the intention or knowledge that it was a real survey mark has to be made. Suppose the court finds that the mark is not a real survey mark but it was placed without any particular intention or knowledge. If the court finds that though the mark was placed there without the intention of being taken to be a survey mark, it will be taken as a survey mark, even then the court cannot remove it, though there is a finding that the mark is not a real one. I think, Sir, even in cases where with particular intention or knowledge a real survey mark was removed power is given to the court to put and remove the counterfeit survey marks. The court is given power to recover the charges even if he is found innocent. If anyone is convicted of an offence he may be asked to give the cost or compensation. Otherwise there is no necessity to ask him; and to do so is unreasonable, untenable and unjust.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): I support the amendment. I believe Sir, that the framer of the Bill made this Clause and the Upper House passed the same with the belief that there is a presumption that the boundary marks are correctly made.

DEPUTY PRESIDENT: The reason which weighed with the members of the other House is not a matter for this House.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): Sir, the survey marks are faulty. The surveyor is faulty the chain is faulty, the pointer is faulty and the scale is faulty. I will explain and I will bring home to each and every member that all these instruments are faulty. From my own experience I know that these are faulty. The scale may have been very well made but becomes useless by daily using the dividers. The point of the dividers also become blunt. The chain becomes daily longer and longer.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): On a point of order. Is this relevant to the motion before the House?

DEPUTY PRESIDENT: The position of the survey stones is a relevant matter.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): I say this in order to show that the accused should not be punished unless it was proved that he planted the counterfeit mark.

I say that the papers, wherein the marks are found, are entirely incorrect. These papers cannot in the least be relied on. It must be proved that the accused intentionally made or planted a counterfeit mark. I had to survey a plot of about 7 000 acres. While I was doing so, I had to do the work of a Theodolite Surveyor. I found that there were seven boundary marks without any angular or side measurements and also five angular and side measurements without any boundary stones. What is that due to? The only reason is that the surveyors did not do the work properly. They were doing the work sitting on a two-storied bungalow. Perhaps, they might have done the work during the hotest part of the day.

DEPUTY PRESIDENT: All those are irrelevant.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*). Sir, these records cannot be relied on and the accused cannot be punished unless it is shown that he intentionally planted the counterfeit mark. With these words I support Mr. Asan's amendment.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): There are not many people in the State who do not own a small plot of ground and therefore this piece of legislation, it must be understood, is one which will affect the majority of the people in this State, and the provision under discussion becomes all the more important because of that. I regret, Sir, to observe that this provision has been ill-conceived and that it offends against all accepted principles of legislation. Sir, when a civil court is invested with powers to direct the defendant to do a particular act, it can exercise the power only when it finds that the defendant has by omission or commission made some invasion of the

[Mr. Puthupalli S. Krishna Pillai.]

petty rights. In the absence of such finding, the court has no power over the defendant. When the plaintiff's suit is dismissed, no order is granted to the plaintiff for taking out any compulsory process against the defendant. It is a plain rule which we know fully well. Now the jurisdiction of a criminal court is equally limited if not more. It continues to exercise jurisdiction over an individual only so long as he is suspected of some criminal act or so long as he is found to be a criminal. When once he is admitted or found to be innocent, the criminal court has no power to impose any restriction on him. When a prosecution is lodged and if it is found that the prosecution has been a malicious one, the criminal court is invested with the power to direct that the accused be compensated. If the prosecution is found to be true and the accused is guilty, the criminal court is authorised to impose a fine on him. In certain cases, out of the fine thus imposed a portion can be given to the complainant. When it is found that the accused is innocent and that the complaint would not stand, what is the jurisdiction that the criminal court has over the actions of the accused or over the accused himself?

Let us see the provision contained in this Bill. The last portion says, "The court may cause the mark or object to be removed and recover the cost of the removal from the accused", whether the accused be convicted or not, *i. e.*, even when the accused is found to be innocent.

It enables the court to impose a fine upon a person who is not guilty. Now, the expenses are said to be recoverable from a person who is not found to have done anything. Probably the word 'fine' relates only to the method of realisation of the cost. If I am found to be innocent, could it be said that the court may be empowered to direct the recovery of the cost from me? Is there any law, in any civilized country, which enables one to impose penalty on his innocent neighbour? Has a criminal court been authorised to penalise an innocent man? We have enacted several statutes, good, bad and indifferent. Not one of these can claim absurdity so conspicuous as the one contained in this Bill.

There is another, and a more obvious mistake. It is stated "In any case of prosecution started under the foregoing provision, the court may, whether the accused be convicted or not, order the mark or object to be removed if the court is satisfied that it is not a real survey mark."

The court may "order" the mark or object to be removed. Order whom? Order the Head Clerk of the court or any person walking along the road?

DEPUTY PRESIDENT: Any person who may obey the orders of the court.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Every person in this country is bound to obey the order of a duly constituted court and no exemption is granted in favour of any individual. When it does not say whom, it may order anybody. It may be to remove a

stone found in some honourable member's boundary. If I do not obey it, who shall pay the penalty. The accused? (*Laughter.*) "Whether the accused be convicted or not order the mark or object to be removed, if the court is satisfied that it is not a real survey mark, but was erected or placed by *anybody* intending or knowing it to be likely that such mark or object may be understood or believed to be a survey mark and in case the mark or the object is not removed accordingly, the court may cause the mark or object to be removed and recover the cost of the removal from the accused." Anybody including the complainant or a neighbouring mischief maker! Can anything be more ridiculous than this? Is there any power which could be invested in a court of law enabling it to compel a person who is found to be innocent, to incur expense and compensate for an act of any one in the world? Is there any power invested in this Legislature to penalise innocent men? I can understand if it were said that a particular person might be ordered to do it; and if in case he did not, the court might remove it. There is sense in that. According to this Bill the court is competent to punish an innocent man and I submit I must be exempted from this (*Laughter*). If this House will not take any other thing into consideration, it must at least take note of my grievances.

DEPUTY PRESIDENT: The personal grievance of a particular member is not quite relevant.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I was only pointing to the general grievance which was common to me, and I was submitting that what was a grievance to me was a grievance to every one because, I have very few grievances. (*Hear, hear*). I therefore submit that this Section is ill-conceived, ill-drafted, improper and contrary to the accepted canons of legislation. It is a matter which curtails the rights and liberties of individual citizens and it is calculated to penalise innocent men. Mr. Damodaran Asan's amendment may, to a certain extent, remedy these defects. But still, there will be the vagueness about the individual whom the court may "order" to remove the stone. For my part, I am prepared to take the best of a bad bargain. This Section is for our consideration now. It should not be said hereafter that we did not understand, that we did not fully comprehend the implication of this Section. Anybody might be ordered to-morrow, even though he might be innocent. My submission is that, however good it may be to the land-owner, however convenient to the *draftsman*, it is always a trouble to the innocent and to the landless, and to this House it will be an everlasting disgrace. With these words I support the amendment.

MR. K. R. ELENKATH (*Kalkulam I*): Sir, I rise to support the first part, that is with regard to the omission, and to oppose the second part.

DEPUTY PRESIDENT: The amendment cannot be split up like that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, if you call upon me to...

DEPUTY PRESIDENT: Seeing that Mr. Elenkath is not able to support or oppose the Bill, it is better to ask the Law Member.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The question that arises is very simple. I shall not take any notice of the flights of imagination indulged in by some in this House. On the amendment, I am prepared to accept the first part of it. With regard to the second part too, I have no serious opposition. I will merely place before the House the real position as it stands.

The provision as it is in the Bill vests in the courts a discretion. The Court may order a stone to be removed but the court is not bound to do it in every case. It is presumed that the court will exercise the discretion properly. The provision further says that it should be left to the court to decide in which cases the accused should be asked to pay the costs of the removal of the stones. The idea is to confer on the court complete discretion in the matter.

Now, Mr. Asan, in the second part of his amendment, wants to limit the discretion of the ocurt. He says that the court should ask the accused to bear the cost of removal of the stones only if it has been proved that the stone was planted by or at the instance of the accused. No doubt, there is a principle in what Mr. Asan says. But, even the provision as it is is based on a principle. It is this. If a stone is found planted in A's property, the presumption is that it has been so planted by or at the instance of A. I would point out to Mr. Asan that, proof, especially in criminal cases, means strict proof which may not be forthcoming in every case. Still, it may be that the accused should rightly bear the cost of the removal of the stone because, say, there is good room for suspicion against him and the stone is found in his land. It is expected that the Court will exercise a sound descretion in every case. There is no reason to think that the court will act arbitrarily and it may not be possible to lay down a rule of general application. That is why the court is proposed to be given a discretion in the matter of asking the accused to pay the cost of removal of the stones. In civil cases, even where the plaintiff has won the case, in some instances the plaintiff is not allowed his cost of suit, and it happens that he is even asked to pay the costs of the defendant in some cases. Similarly, in criminal trespass, although the accused may be found not guilty, he may be forcibly evicted from a land. Therefore, it is not always a question of real guilt in the matter of charging the costs. In the present case it is also a question of public policy. If the court has reasons to think that the accused might have been responsible for the act, although proof in the strict legal sense might not be available, he might be asked to pay the cost. I do not see anything wrong in such discretion being vested in the courts. But, if the House is not prepared to trust the court with such discretion, which perhaps is wide, the House may accept the second part also of Mr. Asan's amendment.

DEPUTY PRESIDENT : So, you do not accept the amendment ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I accept the first part of the amendment. In regard to the second part of the amendment' I do not oppose. I merely wanted to explain the actual position, and I have done it.

MR. K. C. ABRAHAM (*Kottayam II*). Apart from the question of practicability, is it meant as a principle of the Bill that every land-owner should, as a matter of duty, maintain the boundary marks as they are?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, not under this Bill. There is another law for it.

DEPUTY PRESIDENT: I shall split up the amendment into two parts and put them to vote one after another.

The first part of the amendment was put to vote and carried.

DEPUTY PRESIDENT: Before I put the second part of the amendment to the vote of the House, I wish to say a few words. The point is whether, when a person is found to be not guilty, he could be made to pay the expenses incurred in the removal of the stones as ordered by the courts. The Law Member's explanation, in support of the provision now sought to be amended, is that, though under the strict principles of criminal law different views may be taken on this question, as a matter of public convenience, it will be good to have the provision in the Bill, especially because—as I understood him—it is not likely that a stone would have been planted in a person's compound except with his knowledge.

The second part of the amendment was put to vote and carried.

The question that the Clause, as amended, stand part of the Bill was then put to vote and carried.

The Clause as amended was added to the Bill.

Preamble and Title

The question that the Preamble and the Title stand part of the Bill was put to vote and carried.

The Preamble and Title were added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Bill has been long before the House, and I trust that the House will not have any objection to have the third reading of the Bill even now. With your permission, Sir, I move that the Bill be passed.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

The motion was put to vote and carried.

The Bill was passed.

The House adjourned at 8-10 P. M.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Mulam Assembly.

PROCEEDINGS
of
THE TRAVANCORE SRI MULAM ASSEMBLY.

FIRST ASSEMBLY.

NINTH SESSION.

OFFICIAL REPORT.

Wednesday, the 25th November 1936/10th Vrischikam 1112.

The Assembly met again in the Victoria Jubilee Town Hall at Eleven of the Clock, the President presiding.

NEW MEMBER.

Mr. K. R. Narayana Aiyar B. A., M. Sc., took the oath and signed the Rolls.

QUESTIONS AND ANSWERS.

Primary Schools in Mazhuvannoor.

138. ***MR. K. M. KURIAKOSE** (*Muvattupuzha II*): Will the Government be pleased to state:

(*a*) when the following three schools in Erapuramkara, Mazhuvannoor *pakuthi*, Kunnatnad taluk, were started;

(*i*) St. Paul's Primary School;

(*ii*) St. Thomas Primary School;

(*iii*) Saraswathivilasam Primary School;

(*b*) the distance between these three schools;

(*c*) whether the St. Thomas Primary School was started by the Manager at the instigation of the department;

(*d*) whether objection was raised by anybody before sanction was given to start the Saraswathivilasam Primary School; if so, by whom;

(*e*) who was the officer directly responsible for recommending the sanction for the Saraswathivilasam Primary School;

(*f*) what is the strength in Class IV of the Vernacular Middle School at Kunnakurudy; and

(*g*) what is the distance between the Saraswathivilasam School and Kunnakurudy V. M. School?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*):

(*a*) St. Paul's Primary School, Airapuram ... 21-10-1098.
St. Thomas ... ... 27-12-1099.
Saraswathivilasam ... ... 2-10-1102.

ठे .P.C. 1893. 350. 21-8-1112.

[Mr. C. V. Chandrasekharan].

(b) Airapuram St. Paul's Primary School to Airapuram St. Thomas Primary School 1½ miles.

Airapuram Saraswathivilasam Primary School is 6 furlongs to the south of St. Paul's Primary School and about a mile to the north-west of the St. Thomas Primary School.

(c) Yes.

(d) Yes; by the managers of the Airapuram St. Thomas Primary School and the Airapuram St. Paul's Primary School and also by the Assistant Inspector of Schools, Alwaye.

(e) Sry. Bhagirathi Amma, Assistant Inspectress, District VI (old) Alwaye.

(f) 22.

(g) 1 mile 4 furlongs.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Will the Government be pleased to say whether in recommending sanction for the Saraswathivilasam Primary School the Assistant Inspectress had stated that the distance between the two Primary schools is less than three miles?

MR. C. V. CHANDRASEKHARAN (*Ag Director of Public Instruction*): No, Sir

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether the same Assistant Inspectress refused to sanction the school now occupied by the St. Thomas Primary school on the ground that it is very near the old school?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): The Assistant Inspectress has no power to refuse applications. The Director of Public Instruction rejected the earlier applications.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): On what grounds?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): It happened about 15 years ago. At that time the Director might have thought that the management was not satisfactory or that another school was not necessary in the locality.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether one of the reasons is that it is very close to the old school existing there?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*)): No, Sir. That reason would not have arisen as the Saraswathivilasam Primary School is a girls' school and the other two schools are boys' schools.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether in refusing the applications it was considered that the girls' school may very well be accommodated in the old school?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): No, Sir. It was because the Director was satisfied that there was not sufficient accommodation in the other two schools that the third school was sanctioned.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know why in view of the objection raised by the Boys' Department the school was sanctioned?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): The Boys' Department cannot dictate to the Director. He looks into all the aspects of the matter before sanctioning a new school.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether the grant for the St. Paul's Primary School was withheld because this school was sanctioned?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): It was withheld for some time but it was subsequently restored.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether it is proper to sanction the fourth class in the Saraswathivilasam Primary School in view of the fact that the Malayalam Middle School at Kunnakurudy has only a strength of 22 students in the fourth class and that it is close to the other school?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*) All relevant points will be carefully considered before the fourth class is sanctioned.

Fort Government Hospital.

139. ***MR. N. ABDUR RAHIMAN SAHIB** (*Nominated*): Will the Government be pleased to state whether there is restriction in the Government Hospital within the Fort at Trivandrum in regard to the admission of non-caste Hindus as in-patients?

MR. JAMES SIMPSON (*Darbar Physician*): Yes; but steps will be taken to remove the restriction.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): How long will it take to have the restriction removed?

MR. JAMES SIMPSON (*Darbar Physician*): It is a question for future action.

Treatment of Tuberculosis patients.

140. ***MR. T. KRISHNA PILLAI** (*Neyyattinkara II*): Will the Government be pleased to state whether they have considered the advisability of temporary buildings being put up in commercial localities for the treatment of patients suffering from tuberculosis until the proposed sanatorium in South Travancore is opened?

MR. JAMES SIMPSON (*Darbar Physician*): The answer is in the negative.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): My original question was about temporary buildings being put up in *convenient* localities; but it has been printed as *commercial* localities.

PRESIDENT: I was myself surprised at that question. I have now perused the original copy of the question sent by the member. I think the mistake that was made is a justifiable mistake. I hope the honourable member will not think that I am unduly criticising his handwriting.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know whether the Government are aware that tuberculosis patients are on the increase year after year?

MR. JAMES SIMPSON (*Darbar Physician*) · We have no direct information.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know whether the Government have bestowed their attention to the danger the public are put to by allowing tuberculosis patients to mix freely with the public?

MR. JAMES SIMPSON (*Darbar Physician*): Yes.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know at what stage the scheme for the opening of a tuberculosis sanatorium in South Travancore stands?

MR. JAMES SIMPSON (*Darbar Physician*); The site has not been finally decided upon. That will be done in another month.

The Kallara-Aruvipuram Trace.

141. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) what has become of the petition presented to them by the citizens of Nedumangad taluk on 14-10-'36 at the instance of their member for the Assembly, requesting the Government that the above trace be converted into an ordinary cartable road by changing the condition that it must be improved under the "Ryots Roads Rules";

(*b*) how long since the subject of the conversion of the trace is being brought to the notice of the authorities concerned;

(*c*) how many memorials the people have submitted, how many letters the member for the Assembly has addressed and how many questions the member has put regarding the importance of the trace and the need for converting the trace into a cartable road;

(*d*) whether they are aware that Rs. 1,000 was allotted in the Budget for 1111 M. E. and Rs. 1,000 in the current year's Budget for the conversion of the trace into a road;

(*e*) whether they are aware that the people have surrendered free of compensation land to the width of 22 ft. as was required by the department;

(*f*) whether they are aware that the people at their cost have removed all sorts of obstructions in the trace by removing the huts and buildings and cutting down and removing the jungle wood and several fruit-bearing trees such as jack trees, cocoanut and arecanut palms etc; and

(*g*) whether they are aware that the Public Works Department has already informed them that the trace be converted into an ordinary road at the instance of the Government?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) The petition is under the consideration of Government.

(*b*) About 8 years.

(*c*) 1 memorial, 15 letters and 21 interpellations.

(*d*) Yes.

(*e*) No, except setting back fences, *kayalas*, etc.

(*f*) No.

(*g*) No.

MR. S. J. NAIR (*Nedumangad*): With reference to part (*b*) of the question, may I know what action Government took during the past eight years?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Government have decided that the Kallara-Aruvipuram trace should be constructed as a ryots road under the Ryots Roads Rules.

MR. S. J. NAIR (*Nedumangad*): May I know whether the people have not made representations to Government to the effect that the above trace should be converted into an ordinary cart road under the Ryots' Roads Rules.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): That is so, Sir.

MR. S. J. NAIR (*Nedumangad*): May I know whether Government will be pleased to consider that memorial favourably?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Government have considered that question and decided that the road be constructed as a ryots' road under the Ryots Roads Rules.

MR. S. J. NAIR (*Nedumangad*): May I know whether the people have not removed all sorts of obstructions on that road?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The people have cut down the trees which composed of useful wood mostly and left the stumps and roots. Those obstructions have not been cleared.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I ask with reference to the answer to part (*c*) of the question, till what date were one memorial, 15 letters and 21 interpellations received?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Till the date of this interpellation I believe.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Was this interpellation included in the calculation?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I do not think so.

The Kallara-Aruvipuram Trace.

142. * **MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) how many petitions the people have submitted and how many questions the honourable member of the Assembly for Nedumangad taluk has put for converting the Kallara-Aruvipuram trace into an ordinary cartable road; and

(*b*) what action the Government have taken upon the petitions of the people and of the member and the questions of the member?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*):

(*a*) 15 petitions and 21 interpellations.

[Mr. G. B. E. Truscott.]

(*b*) A sum of Rs. 1,000 has been provided in the Budget for 1112 M. E. for the conversion of the trace into a cart road. The work will be taken up when the interested ryots surrender the full width of 22 ft. of land and do the whole earthwork as per alignment given by the P. W. D. as per the Ryots Roads Rules.

MR. S. J. NAIR (*Nedumangad*): The numbers mentioned in answer to part (c) of the previous question and part (*a*) of this question vary from each other. May I know which figure is correct?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I do not think the difference is material.

MR. S. J. NAIR (*Nedumangad*): From the number and nature of the petitions may I know whether Government have understood that the trace is important enough to be converted into a cartable road.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): It seems to indicate that one who cries loudest thinks he has every justification for having a trace which is of purely local importance converted into a road in priority of others.

MR. S. J. NAIR (*Nedumangad*): Sir, I take great objection to the words 'one who cries loudest'. That is a reflection upon the honourable members of this House.

PRESIDENT: I take it that the expression 'cry' was used in a purely parliamentary sense and refers to the strenuousness with which honourable members have tried to have their grievances remedied.

MR. S. J. NAIR (*Nedumangad*): May I know whether Government have considered the question because of the strenuous attempt on the part of the members and the public in making representations after representations about the necessity for converting the road into a cartable road?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Government have considered the question.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether Government judge the importance of a road by the number of interpellations and memorials received or by other means?

MR. G. B. E. TRUSCOTT *Chief Engineer, Roads, Buildings and Irrigation*): By other means.

Honorary Medical Officers in Government Hospitals

143 * **MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) whether they are aware of the decision of the Government of Madras to appoint Honorary Medical Officers in all Government hospitals and dispensaries which had a daily average attendance of 100 or more patients; and

(*b*) whether they have considered this question, and if so, its decision in the matter?

MR. JAMES SIMPSON (*Darbar Physician*) :

(*a*) In 1929, the Government of Madras decided to appoint Honorary Surgeons and Physicians to all Government hospitals alone.

(*b*) Yes. This scheme was first tried in the General Hospital and has recently been extended to some of the other important hospitals in the State.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know whether in the order of the Government of Madras they have stated that honorary medical officers will be appointed to dispensaries with a daily average attendance of more than 100 patients ?

MR. JAMES SIMPSON (*Darbar Physician*) : I accept the member's statement.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know whether Government consider it desirable to adopt this course in Travancore also ?

MR. JAMES SIMPSON (*Darbar Physician*) : That is a question of future action. I may however say that the scheme is at the moment in an experimental stage. We will have to judge this question only if the experiment succeeds.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know the number of hospitals in which the experiment has been tried ?

MR. JAMES SIMPSON (*Darbar Physician*): In four hospitals.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : May I know whether the rights and duties devolving upon these honorary surgeons are the same as those devolving upon other surgeons ?

MR. JAMES SIMPSON (*Darbar Physician*) : They are subject to the same disciplinary control but there are certain restrictions, such as for instance, they cannot attend to police cases or carry out post mortem examinations.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is there any penalty for not doing any of their duties according to the directions of the head of the institution ?

MR. JAMES SIMPSON (*Darbar Physician*) : The penalty will be that they will be relieved of their position.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : May I know whether these honorary medical officers will be entitled to any preferential claims when appointments are made in the Government service ?

MR. JAMES SIMPSON (*Darbar Physician*) : They will have claims according to the work they turn out in the course of their honorary duties.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Is there any limit to the number of persons to be entertained in a hospital as honorary medical officers ?

MR. JAMES SIMPSUN (*Darbar Physician*) : Yes.

Rural Medical Relief Scheme.

144. *MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) whether they are aware of the inauguration by the Government of Madras in 1924 of the Rural Medical Relief Scheme by which grant-in-aid is given to the private allopathic dispensaries conducted by qualified medical practitioners in rural areas;

(*b*) whether any such recommendation was made to the Government by the Travancore Medical Board; and

(*c*) the action, if any, taken by them on such recommendation?

MR. JAMES SIMPSON (*Darbar Physician*):

(*a*) Yes.

(*b*) Yes.

(*c*) Government considered the scheme and ordered its postponement for better times.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know the date on which the Travancore Medical Board made its recommendation to the Government?

MR. JAMES SIMPSON (*Darbar Physician*): I am afraid I cannot give that information now. But I may say that Government finally decided against the scheme mentioned in part (c) on the 3rd April 1933.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know the reason for arriving at such a conclusion?

MR. JAMES SIMPSON (*Darbar Physician*): They are chiefly financial.

Touring of Officers.

145 *MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) whether they are aware of an order recently issued by the Punjab Government to their District Officers, that in future instead of motor cars they must use horses for circuiting in different parts of the District so that they may get themselves more acquainted with the people and their needs;

(*b*) if the answer to part (*a*) is in the affirmative, whether they have considered the desirability of adopting the principle involved in the said order; and

(*c*) if the answer to part (*a*) is in the negative, whether they would consider the desirability of accepting the principle involved in the said order?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*):

(*a*) Government have no information.

(*b*) & (*c*) In view of the answer to part (*a*) these do not arise.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether they would consider it necessary or desirable to ask the District Officers to use horses for circuiting in different parts of the district so that they may get acquainted with the people?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : I doubt whether it is feasible or advantageous to insist upon the District Officers using horses for touring.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I ask whether Government will ascertain if the Punjab Government have issued such an order ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : I do not think it necessary to do so.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*) : May I know whether the system of giving horse allowance was in vogue in Travancore at any time ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : Yes, some officers were at one time given an allowance for maintaining horses.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*) : May I know why that system was stopped ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : Since the advent of the motor cars it is found more advantageous to travel in them. By travelling in a motor car one has to spend less time in actual journeys and can devote more time to work. On the other hand if one goes about riding or in a conveyance like a bullock cart most of the time will be spent in travelling and very little in actual work.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*) ; Do the Government think that the subordinate executive officers are competent to own motor cars ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : They can keep motor cycles or even push cycles.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*) : Are the Government aware that there were definite rules issued on the subject of touring of District Officers at the time of Dewans, the honourable Rama Aiyangar and Rama Rao ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : Yes, but those rules were republished quite recently for the information of the officers.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*) : But do those rules require the District Officers to tour according to those rules, staying at particular places, at particular times ? Do those rules exist even now ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : Those rules are now in existence and they are being observed as far as possible.

Rinderpest disease.

146 ***MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*) : Will the Government be pleased to state :

(*a*) whether Rinderpest is a common disease of the cattle in the State ;

[Mr. T. P. Velayudhan Pillai,]

(*b*) the steps that are now being taken by the department to prevent the attack of this disease ; and

(*c*) whether the department has suggested to Government any better remedy for the purpose and if so, what?

MR. K. R. NARAYANA AIYAR (*Director of Agriculture and Fisheries*):

(*a*) Yes.

(*b*) Segregation of infected animals, proper burial of carcases of animals which die of this disease, disinfection of stalls in which diseased animals are housed and serum alone method of inoculation are the preventive measures adopted by the Department. Symptomatic treatment of the infected animals is also followed.

(*c*) No. But the Department has found by investigation that inoculation with goat virus is a better remedy for this disease.

Improvement of Goat breeding in Travancore

147. ***MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*) : Will the Government be pleased to state :

(*a*) whether they or the Department of Agriculture have considered the desirability of introducing any scheme for the improvement of goat breeding in Travancore ; and

(*b*) whether they or the Department of Agriculture have done anything with a view to improve goat breeding in Travancore ?

MR. K. R. NARAYANA AIYAR (*Director of Agriculture and Fisheries*):

(*a*) Yes.

(*b*) No.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) May I know from the Government whether as a result of the decision arrived at, they propose to introduce the scheme for the improvement of goat breeding in Travancore ?

MR. K. R. NARAYANA AIYAR (*Director of Agriculture and Fisheries*) : The question is still under consideration.

The Government Dispensary, Chengannur.

148. ***MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*) : Will the Government be pleased to state :

(*a*) the average daily attendance of out-patients in the Government Dispensary, Chengannur for the last 8 months (till Kanni 1112) and the number of Medical Officers, Compounders and Nurses in the Dispensary ;

(*b*) the average daily attendance during the year 1110 of the in and out-patients in the District Hospitals at Arukutty, Kanjirapalli, Nagercoil, Kozhencherri, Padmanabhapuram, Parassala and Shencotta and the number of Medical Officers, Compounders and Nurses in each of these institutions ; and

(*c*) whether there was any representation to the Darbar Physician from the representative of the public for more hands in the Chengannur Dispensary ?

MR. JAMES SIMPSON (*Darbar Physician*):

(*a*) Out-patients, daily average—409.

Staff—One Medical Officer, one Compounder and one Nurse (for about 2 months).

(*b*)

Name of institution.	Daily average attendance.	Number of		
		Medical Officers.	Compoun-ders.	Nurses.
District Hospital, Arukutty	163	1	1	...
Do. Kanjirapally	169	2	1	1
Do. Nagercoil	178	3	2	3
Do. Kozhencherry	298	3	1	2
Do. Padmanabhapuram	146	2	2	2
Do. Parassala	173	1	1	1
Do. Shencotta	109	1	1	...

(*c*) Yes.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know, in view of the answer to part (*b*), whether the Government will take steps to increase the number of hands in the Dispensary at Chengannur?

MR. JAMES SIMPSON (*Darbar Physician*): It is not the intention of Government to form a Hospital at Chengannur because the hospitals at Tiruvalla and Kozhencherry are in close proximity to Chengannur.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): My question is not for the establishment of the hospital at a more convenient place at Chengannur. In view of the fact that the number of out-patients in Chengannur dispensary is 409 when compared to other hospitals, may I know whether Government will be pleased to take steps to increase the number of hands in the present dispensary?

MR. JAMES SIMPSON (*Darbar Physician*): It will receive consideration.

The Construction of a building for the Chengannur Dispensary.

149. ***MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) whether they or the Darbar Physician have received any representation from the representatives of the public regarding the construction of a Government building for the Chengannur Dispensary; and

(*b*) if the answer to part (*a*) is in the affirmative, the action taken in the matter?

MR. JAMES SIMPSON (*Darbar Physician*) :

(*a*) Yes.

(*b*) The question of selecting a suitable site to locate the dispensary is under consideration.

Pezhumood-Kolupara trace in Nedumangad taluk.

150. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state :

(*a*) whether they are aware that the Pezhumood-Kolupara trace in Veeranakavu *pakuthi*, Nedumangad taluk, is an important trace ;

(*b*) whether they are aware that the trace passes through malaria infected area ;

(*c*) what is the length of the trace ;

(*d*) whether the Government are aware that the people of Veeranakavu and the adjoining *pakuthies* have petitioned several times that the trace be converted into a cart road ; and

(*e*) what action the Government or the P. W. D. have taken so far about the conversion of the trace into a cart road ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) :

(*a*) It may have its local importance.

(*b*) Yes.

(*c*) $3\frac{1}{2}$ miles.

(*d*) Yes, thrice.

(*e*) Sanctioned estimate awaits execution for want of written agreements from landowners for the free surrender of the required lands.

MR. S. J. NAIR (*Nedumangad*): After the necessary land is acquired, will the Government take steps for the execution of the work ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : Government will have to provide funds.

MR. S. J. NAIR (*Nedumangad*) : In view of the answer to part (*e*) may I know what the member means by saying that the Government will have to provide funds ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : The estimate has been sanctioned But nothing can be done until the lands have been surrendered and taken over. At present no funds are available. When the lands are surrendered, the Government will be informed of it and they will possibly provide funds if available.

Women and Children's Hospital at Alleppey.

151. ***MR. K. M. KRISHNAN** (*Ambalapuzha II*): Will the Government be pleased to state :

(*a*) whether a Women and Children's Hospital at Alleppey has been sanctioned by the Government ;

(*b*) if so, when ;

(*c*) whether any site has been acquired for the purpose ;

(*d*) if so, when and at what cost; and

(*e*) whether an estimate has been prepared for the construction of the buildings required for the same?

MR. JAMES SIMPSON (*Darbar Physician*):

(*a*) Yes.

(*b*) On the 29th March 1933.

(*c*) No.

(*d*) In view of the answer to part (*c*) this does not arise.

(*e*) Yes.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know why no site has been yet acquired for the purpose?

MR. JAMES SIMPSON (*Darbar Physician*): There was a site fixed for the Hospital.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know whether the present Darbar Physician has inspected the site in Alleppey?

MR. JAMES SIMPSON (*Darbar Physician*): Yes.

MR. K. M. KRISHNAN (*Ambalapuzha II*): What is the decision by the Darbar Physician about the site?

MR. JAMES SIMPSON (*Darbar Physician*): There are two sites in Alleppey. The first site originally fixed is too far away from the centre of the town and in regard to the other there is some difficulty and it has not been cleared up.

MR. K. M. KRISHNAN (*Ambalapuzha II*): With reference to the answer to part (*e*) of the question may I know what is the sanctioned estimate for that purpose?

MR. JAMES SIMPSON (*Darbar Physician*): Rs. 54,000.

In-patients in the Vaikom District Hospital.

152. ***MR. V. K. VELAPPAN NAIR** (*Vaikom*): Will the Government be pleased to state:

(*a*) the number of in-patients treated in the Vaikom District Hospital on free ration in 1110 and 1111; and

(*b*) the amount allotted for ration for the above two years in the above hospital?

MR. JAMES SIMPSON (*Darbar Physician*): (*a*) and (*b*)

Year.	*No. of in-patients treated.*	*Amount allotted for ration.*
1110	466	Rs. 450.
1111	478	Rs. 450.

MR. V K. VELAPPAN NAIR (*Vaikam*): May I know the actual amount expended in 1110 and 1111 for the Vaikam District Hospital?

MR. JAMES SIMPSON (*Darbar Physician*): The amount was spent as stated in the answer.

Labour cases in the Vaikam District Hospital.

153. ***MR. V. K. VELAPPAN NAIR** (*Vaikam*): Will the Government be pleased to state:

(*a*) whether any labour cases were treated in the Vaikom District Hospital in 1111; and

(*b*) if so, where they were treated and given beds?

MR. JAMES SIMPSON (*Darbar Physician*): (*a*) Yes.

(*b*) Labour cases were accommodated and treated in a room newly constructed for the purpose.

MR. V. K. VELAPPAN NAIR (*Vaikam*): May I know when the room was newly constructed for treating labour cases?

MR. JAMES SIMPSON (*Darbar Physician*): In 1111.

MR. V. K. VELAPPAN NAIR (*Vaikam*): May I know the amount spent on that?

MR. JAMES SIMPSON (*Darbar Physician*): I claim notice.

MR. V. K. VELAPPAN NAIR (*Vaikam*): May I know whether the member has inspected the room newly constructed for the purpose?

MR. JAMES SIMPSON (*Darbar Physician*): No.

Marketing Officers.

154. ***MR. S. J. NAIR** (*Nedumangad*): With reference to the statement contained on page 20 of the Report of the Public Accounts Committee on the audit and appropriation accounts of 1110 M. E. that "the duty of finding out out-side markets was also included within the scope of the Marketing Officers", will the Government be pleased to state:

(*a*) how many Marketing Officers there are in Travancore;

(*b*) how long it is since they were appointed;

(*c*) what are the new out-side markets that they have found out for the sale of our agricultural and other products; and

(*d*) what work they have done so far?

MR. K. R. NARAYANA AIYAR (*Director of Agriculture and Fisheries*):

(*a*) There are two Marketing Officers in the State.

(*b*) One Marketing Officer has been in service now for 13 months and the other for 10 months.

(*c*) The Marketing Officers have so far been engaged on a survey of our present markets and marketing methods. New markets may be found out only after these surveys have been completed.

(*d*) The Marketing Officers have completed the marketing surveys of eggs, pineapples, tobacco, cattle, milk, wheat, linseed, groundnuts and grapes. The surveys of rice, bananas, cocoanuts, coffee, hides and skins, sheep and goats, ghee and butter, and wool and hair are in progress.

Marketing Officers in Travancore.

155. ***MR. K. PADMANABHAN** (*Chirayinkil I*): Will the Government be pleased to state:

(*a*) when a Marketing Officer was appointed in Travancore;

(*b*) his salary and scale;

(*c*) the amount so far expended for his establishment, if any;

(*d*) the amount so far expended for his tours, if he has undertaken any; and

(e) what he has done for improving the market conditions of Travancore products?

MR. K. R. NARAYANA AIYAR (*Director of Agriculture and Fisheries*):

(a) There are two Marketing Officers in the State, one for Live-stock, who assumed charge on 4th October 1935, and the other for Crops, who took charge on 6th February 1936.

(b) Both the Marketing Officers draw a salary of Rs. 150 each in the scale of Rs. 100-10/2-150.

(c) Up to the end of Karkadakam 1111, the establishment of the Marketing Officers has cost Rs. 531.

(d) The amount expended for their tours till the end of Karka-dakam 1111 is Rs. 1108.

(e) The Marketing Officers in the State who are working under the technical advice and guidance of the Agricultural Marketing Adviser to the Government of India have so far been concentrating their attention on surveys of existing marketing conditions in this State with respect to particular commodities of All-India importance. These surveys will form the basis for the intelligent planning of future development and are an essential preliminary to effecting any improvement in market conditions.

MR. K. PADMANABHAN (*Chirayinkil I*): With reference to the answer to part (a) of the question may I know, when these Officers were appointed? Can the member give the exact date?

MR. K. R. NARAYANA AIYAR (*Director of Agriculture and Fisheries*): These Officers have a service of 13 and 10 months respectively. The exact dates have been furnished in answer to part (a).

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether the Officers draw a sanctioned pay of Rs. 150 per mensem?

MR. K. R. NARAYANA AIYAR (*Director of Agriculture and Fisheries*): Yes.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know the reason why they were given the maximum to start with?

MR. K. R. NARAYANA AIYAR (*Director of Agriculture and Fisheries*): I claim notice.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know the qualifications of the Marketing Officers?

MR. K. R. NARAYANA AIYAR (*Director of Agriculture and Fisheries*): They are graduates in agriculture. They have also had post graduates training in Marketing methods.

MR. K. PADMANABHAN (*Chirayinkil I*): Have they found out any new market?

MR. K. R. NARAYANA AIYAR (*Director of Agriculture and Fisheries*): They are on the way to find out markets, because, they are now making a preliminary survey in regard to the different commodities, which is the first essential step to find out markets.

MR. K. PADMANABHAN (*Chirayinkil I*): Is the preliminary survey over?

MR. K. R. NARAYANA AIYAR (*Director of Agriculture and Fisheries*): It is under progress.

MR. K. PADMANABHAN (*Chirayinkil I*): How long will it take to complete the survey?

MR. K. R. NARAYANA AIYAR (*Director of Agriculture and Fisheries*): Our Marketing Officers are working in collaboration with the Government of India. The All-India Marketing survey is to continue for a period of five years.

The Marketing Officers.

156. ***MR. T. K. ALEXANDER** (*Kunnatnad I*): Will the Government be pleased to state:

(*a*) whether the Marketing Officers have submitted their reports; and

(*b*) if so, whether they are available to the public?

MR. K. R. NARAYANA AIYAR (*Director of Agriculture and Fisheries*):

(*a*) The Marketing Officers have submitted reports on the marketing surveys of the following commodities:—

Linseed, groundnut, grapes, eggs, pineapples, wheat, tobacco, cattle and milk.

(*b*) The reports are not available to the public at this stage.

MR. T. K. ALEXANDER (*Kunnatnad I*): In regard to part (*a*) of the answer may I know when the reports will be published?

MR. K. R. NARAYANA AIYAR (*Director of Agriculture and Fisheries*): Our report will be co-ordinated with that of the Government of India on the subject and when all the local reports become available, it will be published.

Shertala District Hospital.

1'7. ***MR. EDAVANATT S. PADMANABHA MENON** (*Shertala I*): Will the Government be pleased to state:

(*a*) the total number of patients treated in the Shertala District Hospital in 1111 and the number of patients treated in the month of Chingam and Kanni 1112;

(*b*) the number of nurses in the hospital;

(*c*) the number of beds provided for the in-patients in the hospital;

(*d*) the distance between the hospital, the First Class Magistrate's Court and the English School; and

(*e*) whether there is any compound wall for the Shertala Hospital?

MR. JAMES SIMPSON (*Darbar Physician*): (*a*) Number treated in 1111—32,371.

Number treated during the first two months in 1112—10,835.

(*b*) One.

(*c*) Thirty.

(*d*) The First Class Magistrate's Court is only a few feet away from the hospital. The English High School premises abut the road in front of the hospital premises.

(*e*) No.

Mr. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know from the Government whether any representation has been received for the construction of a compound wall in the Shertala District Hospital?

Mr. JAMES SIMPSON (*Darbar Physician*): Yes.

Mr. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know what has become of that?

Mr. JAMES SIMPSON (*Darbar Physician*): The matter will be considered at the time of the Budget.

Price of cocoanut products.

158. ***Mr. K. PADMANABHAN** (*Chirayinkil I*): Will the Government be pleased to state with reference to last year (1111):

(*a*) the average price of cocoanuts per 100 in Travancore markets;

(*b*) the average price of copra per candy in Travancore markets; and

(*c*) the average price of coir per candy in Travancore markets?

Mr. C. O. MADHAVAN (*Excise Commissioner*): (*a*) The price of cocoanuts with husks per 100 in Travancore markets ranged between Bh. Rs. 2 and Bh. Rs. 4-8-0 and without husks between Bh. Rs. 1-12-0 and Bh. Rs. 3-12-0.

(*b*) The price of copra per candy in Travancore markets ranged between Bh. Rs. 50 and Bh. Rs. 105.

(*c*) The price of coir per candy in Travancore markets ranged between Bh. Rs. 28 and Bh. Rs. 60.

Mr. K. PADMANABHAN (*Chirayinkil I*): May I know from the Government whether they have found out a scheme by which the price of cocoanut products should be enhanced?

Mr. C. O. MADHAVAN (*Excise Commissioner*): It is not possible for Travancore Government to do much in that direction. It depends mainly upon world conditions.

Mr. K. PADMANABHAN (*Chirayinkil I*): Are the Government aware that the price of cocoanut products has fallen very low?

Mr. C. O. MADHAVAN (*Excise Commissioner*): The price is slowly rising now.

Mr. K. PADMANABHAN (*Chirayinkil I*): May I know whether Government intend to take steps to increase the price of cocoanut products by finding out new markets?

Mr. C. O. MADHAVAN (*Excise Commissioner*): The Government have their Trade Agent to find out new markets in India and thus there is the possibility of increase in the price of cocoanut products.

Mr. K. PADMANABHAN (*Chirayinkil I*): May I know from the Government what action bas been taken in regard to the suggestion at the last budget session?

Mr. C. O. MADHAVAN (*Excise Commissioner*): Nothing has been done to my knowledge.

Mr. K. PADMANABHAN (*Chirayinkil I*): May I know whether this Government have moved the Government of India in the matter?

MR. C. O. MADHAVAN (*Excise Commissioner*): They have been doing that.

MR. K. PADMANABHAN (*Chirayinkil I*): How long since it was done?

MR. C. O. MADHAVAN (*Excise Commissioner*): I claim notice.

MR. S. J. NAIR (*Nedumangad*): May I know whether there is an export duty in Travancore on cocoanut products?

MR. C. O. MADHAVAN (*Excise Commissioner*): Yes.

MR. S. J. NAIR (*Nedumangad*): Do the Government think that by the abolition of export duty they could increase the price of cocoanut products?

MR. C. O. MADHAVAN (*Excise Commissioner*): Probably the producer may get an enhanced price.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Government are aware of a duty on agricultural products either in British India or in Ceylon?

MR. C. O MADHAVAN (*Excise Commissioner*): On some articles there are export duties.

MR. S. J. NAIR (*Nedumangad*): Is it for agricultural products?

MR. C. O. MADHAVAN (*Excise Commissioner*): Yes.

MR. S. J. NAIR (*Nedumangad*): May I know whether there is export duty on Ceylon cocoanut products?

MR. C. O. MADHAVAN (*Excise Commissioner*): No export duty.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Pattanapuram cum Kunnattur*): With reference to the answer to part (*b*) may I know whether the figure of Rs. 105 is correct?

MR. C. O. MADHAVAN (*Excise Commissioner*): I got the figures from the Assistant Commissioner, Parur.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Pattanapuram cum Kunnattur*): For what month is it?

MR. C. O. MADHAVAN (*Excise Commissioner*): I cannot say.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether this export duty is a protective duty or a duty for revenue purposes?

MR. C. O. MADHAVAN (*Excise Commissioner*): It is both a protective as well as a revenue duty.

Decrease in the yield of cocoanuts in the State.

159. ***MR. K. M. KRISHNAN** (*Ambalapuzha II*): Will the Government be pleased to state:

(*a*) whether they are aware of the present decrease in the yield of cocoanuts in the State; and

(*b*) if the answer to part (*a*) is in the affirmative, whether they have enquired what the decrease is due to?

MR. K. R. NARAYANA AIYAR (*Director of Agriculture and Fisheries*):

(*a*) There was during the last year a fall in the yield of cocoanuts in Travancore.

(*b*) This decrease was due mainly to the very long and severe drought of the previous years.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know whether the Government are aware that disease is responsible for fall in the yield of cocoanut?

MR. K. R. NARAYANA AIYAR (*Director of Agriculture and Fisheries*): Yes, to a slight extent.

The Agricultural Board.

160. ***MR. K. PADMANABHAN** (*Chirayinkil I*): Will the Government be pleased to state:

(*a*) when the Agricultural Board was formed in Travancore;

(*b*) the number of meetings it held;

(*c*) the sum of money so far expended in connection with its formation and meetings: and

(*d*) what is the nature of the work so far turned out by the Board?

MR. K. R. NARAYANA AIYAR (*Director of Agriculture and Fisheries*)

(*a*) In 1111 M. E.

(*b*) One.

(*c*) Rs. 938-1-4.

(*d*) The Board reviewed the work so far turned out by the Agriculture and Fisheries Department in its various branches, and passed several resolutions calculated to enhance the usefulness of the Department.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know how many resolutions were passed at the last meeting of the Agricultural Board?

MR. K. R. NARAYANA AIYAR (*Director of Agriculture and Fisheries*): About 25 resolutions.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether any one of those resolutions was carried into effect?

MR. K. R. NARAYANA AIYAR (*Director of Agriculture and Fisheries*): They are now under the consideration of Government.

Salt Manufacture.

161. * **MR. G. NILAKANTAN** (*Nominated*): With reference to the statement on page 182 of the Administration Report of the Excise Department for 1110 that the average yield per acre in the Sri Sankara Allom is found to be 7125·75 maunds, while in the same locality the average yield per acre in the Puthallom is only 1912·46 maunds. Will the Government be pleased to explain the cause of the difference in the yield?

MR. C. O. MADHAVAN (*Excise Commissioner*): The difference in the yield in the Sri Sankara Allom and the Puthallom Factory during 1110, was due to the difference in the interest and earnestness on the part of the respective licensees.

MR. G. NILAKANTAN (*Nominated*): May I know wherefrom brine is obtained for the Sri Sankara Allom?

MR. C. O. MADHAVAN (*Excise Commissioner*): From the Manakudi lake as well as from brine pits inside the factory.

MR. G. NILAKANTAN (*Nominated*): How does Puthallom get brine?

MR. C. O. MADHAVAN (*Excise Commissioner*): Puthallom gets from the Manakudi lake alone.

MR. G. NILAKANTAN (*Nominated*) : What is the cause of the difference in the yield of salt in Puthallom and old allom?

MR. C. O. MADHAVAN (*Excise Commissioner*) : I submit, Sir, that this does not arise as a supplementary question as the question relates only to Sri Sankara Allom and Puthallom.

PRESIDENT : You may claim notice if you are not prepared to answer that question.

MR. C. O. MADHAVAN (*Excise Commissioner*) : I claim notice.

Nagercoi' Distillery.

162. * **MR. G. NILAKANTAN** (*Nominated*) : Will the Government be pleased to state the amount spent on repairs to the continuous still in the Nagercoil Distillery during the past five years?

MR. C. O. MADHAVAN (*Excise Commissioner*) : A *statement containing the required information is laid on the table.

MR. G. NILAKANTAN (*Nominated*) : May I know why in 1108 the expenditure rose up to Rs. 1377 ?

MR. C. O. MADHAVAN (*Excise Commissioner*) : Some additional repairs had to be made in that year and they were more costly than the repairs of previous years.

MR. G. NILAKANTAN (*Nominated*) : May I know the nature of the repairs ?

MR. C. O. MADHAVAN (*Excise Commissioner*) : Details are not available. The Assistant Excise Commissioner reports that it was partly due to the adjustment for the work done in 1105 and partly due to the work undertaken in that year itself.

MR. G. NILAKANTAN (*Nominated*) : May I know whether this extra expenditure is due to the fact that the still is an old one ?

MR. C. O. MADHAVAN (*Excise Commissioner*) : It is a fact that it is an old still.

Bus Services on the Quilon-Alleppey road.

163. * **MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*) : Will the Government be pleased to state :

(*a*) whether the then Chief Engineer has, in his letter No. 338 dated 7-2-1929, addressed to the Commissioner of Police, permitted one-ton buses to ply for hire on the Quilon-Alleppey road ;

(*b*) the total number of one-ton buses plying for hire on the Quilon-Alleppey road in 1110 and in 1111, respectively ; and

(*c*) the period during which these one-ton buses have been or were allowed to ply for hire on the Quilon-Alleppey road ?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : (*a*) Yes ; one ton buses with 15 seats, provided the buses are taken empty over the Krishnapuram bridge.

(*b*) 7 buses in each of the years 1110 and 1111.

(*c*) 3 buses for the last 5 years and the rest for the last two years.

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* *Vide* Appenidx I—page 535

Widening and deepening the A. V. M. canal.

164. ***MR M. MAHOMED HANEEF** (*Nominated*): Will the Government be pleased to state:

(*a*) whether they have received representations for the widening and deepening of the A. V. M. canal between Poovar and Tengapattanam;

(*b*) if the answer to part (*a*) is in the affirmative, whether they will be pleased to state the nature of the action taken on the same;

(*c*) whether they are aware that some of the bridges across the above canal are broken completely; and

(*d*) whether they have any plan of reconstructing the broken bridges to suit the convenience of the public?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) Yes.

(*b*) The petition was forwarded to the officer concerned and he has reported that this portion of the A. V. M. canal is being maintained in a navigable condition.

(*c*) & (*d*). Yes; their reconstruction will be taken up when funds become available.

The old A. V. M. canal.

165 ***MR. M. MAHOMED HANEEF** (*Nominated*): Will the Government be pleased to state:

(*a*) the length of the old A. V. M. canal from Poovar to Mandakad and the total expenditure they had to incur for digging the same;

(*b*) whether any portion of this canal was sold by them and, if so, the length of the canal thus sold and the total selling price they got from such sale;

(*c*) the reasons which weighed with them to sell such a portion of the A. V. M. Canal;

(*d*) whether they have at any time investigated the feasibility of restoring this portion of the A. V. M. Canal thus sold and if so, whether they have prepared any estimate; and

(*e*) whether they have at any time considered the feasibility of the extension of water communication from Trivandrum to Cape Comorin by restoring the A. V. M. Canal?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) Nearly 16½ miles; information *re* the cost incurred in opening this portion is not available at present.

(*b*) The approximate length is 5½ miles. Information regarding the proceeds realised is not available at present.

(*c*) On account of its non-utility.

(*d*) and (*e*) In view of the heavy cost involved in restoring the canal as compared with its usefulness, only improvements of the existing portions are being attempted.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether the work of the A. V. M. Canal will be included in the proposed scheme of the reorganisation of the Irrigation scheme?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): That will be left to the Committee.

Bridge at Pozhiyoor over the A. V. M. Canal.

166. * **MR. N. K. KRISHNA PILLAI** (*Neyyattinkara I*): Will the Government be pleased to state with reference to the answer to question No. 223 *re*: reconstruction of a bridge at Pozhiyoor over the A. V. M. Canal:

(*a*) when the estimate for reconstructing the same was submitted;

(*b*) what is the estimated amount; and

(*c*) what action was taken thereon?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) An estimate was received in the Chief Engineer's office on 8-4-1936.

(*b*) The Division Officer has estimated it at Rs. 3,700.

(*c*) It was referred back to the Division Officer for furnishing certain details.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know from the member how long it is since the estimate has been prepared?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I claim notice.

Beach road between Tengapatanam and Colachel.

167. * **MR. M. MAHOMED HANEEF** (*Nominated*): Will the Government be pleased to state:

(*a*) whether they have received representations for the construction of a beach road between Tengapatanam and Colachel near and parallel to the old A. V. M. Canal; and

(*b*) if the answer to part (*a*) is in the affirmative, whether they will be pleased to state the nature of the action taken on the same?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) Yes

(*b*) The question was considered and it was decided that the road would be taken up when financial conditions improve.

Kuzhittura-Tengapatanam Road.

168. * **MR. M. MAHOMED HANEEF** (*Nominated*): Will the Government be pleased to state:

(*a*) whether they have received repeated representations regarding the broadening and metalling of Kuzhittura-Tengapatanam road;

(*b*) whether they have introduced a new toll-gate on the above road from the beginning of the year 1110;

(*c*) whether the P. W. D. has metalled this seven miles of road at least after the introduction of this new toll-gate; and

(*d*) the amount of toll collected from this toll-gate for the two years 1110 and 1111?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) Yes.

(*b*) Yes.

(*c*) The first two miles were metalled in 1111.

(*d*) This information is not available as it is only a subsidiary gate to the Kuzhittura main gate.

Hydro-Electric works.

169. * **MR. K. A. NARAYANA PILLAI** (*Todupuzha* cum *Devicolam*): Will the Government be pleased to state:

(*a*) whether they have an idea of starting hydro-electric works at any place other than Pallivasal; and

(*b*) if so, where and what is the necessity for the same?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (*a*) Government have no such idea at present.

(*b*) In view of the answer to part (*a*) this question does not arise.

Opening of a Dispensary in Muvattupuzha Taluk.

170. * **MR. K. M. KURIAKOSE** (*Muvattupuzha II*): Will the Government be pleased to state:

(*a*) whether the Darbar Physician has received representation from the public of Irmalloor and Varapetty *pakuthies* in Muvattupuzha taluk with regard to the opening of a dispensary on 26-11-1111; and

(*b*) if so, what action was taken on the same?

MR. JAMES SIMPSON (*Darbar Physician*): (*a*) No.

(*b*) In view of the answer to part (*a*) this question does not arise.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I inform the member—

PRESIDENT: Order, order. Information by members cannot be imparted to Government during question time.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether the Darbar Physician has received a petition from the inhabitants of Aiyamkara which is one of the *pakuthies* in the taluk?

MR. JAMES SIMPSON (*Darbar Physician*): I am afraid, I have no local knowledge. The answer is that no representation has been received.

The Arts and Science Colleges.

171. * **MR. N. K. KRISHNA PILLAI** (*Neyyattinkara I*): Will the Government be pleased to state:

(*a*) the number of daily periods of tuition work in the College allotted to each of the Professors, Lecturers and Principals in the Arts and Science Colleges in 1110; and

(*b*) whether any number of such periods has been fixed by Government or the authorities, and, if so, what it is?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*):

(*a*) A statement furnishing the information is placed on the table.

(*b*) The Madras University has fixed a maximum of 14 hours of teaching work per week per teacher.

RAO SAHIB MAHA KAVI S. PARAMESVARA AIYAR (*Nominated*): May I know from the member how it happens that Mr. S. Sivarama Pillai has got only two hours of work as seen on page 8 of the appendix?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I presume it is a misprint for 12.

MR. A. S. DAMODARAN ASAN (*Mavelikara*). May I know why the number of hours for work for most of the Professors is much less than what the University has fixed?

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* *Vide* Appendix II.—pages 535 to 539.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): 14 hours of teaching work. A Professor has got some administrative work also in connection with his section.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know why even in the case of Assistant Professors maximum work is not extracted from them when the University allows a maximum of 14 hours?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Though the University has fixed fourteen hours as the maximum it is not usual to extract that maximum.

Schools housed in temporary and rented buildings.

172. * **MR. S. NILAKANTA PILLAI** (*Chirayinkil II*): With reference to the answer to question No. 133, given on the 19th November 1935 *re* the construction of schools that are housed in temporary and rented buildings, will the Government be pleased to state:

(*a*) whether the Director of Public Instruction has obtained the sanction; and

(*b*) if so, the further action taken by the Director of Public Instruction in the matter?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*):

(*a*) and (*b*) The work of construction of a new building for the Nagaroor Primary School as per sanction accorded by Government will be taken up by the P. W. D. when funds become available.

The new building put up for the Aylom Primary School by the people was occupied on 16-6-1111.

The question of acquiring sites for putting up buildings for the Vettoor Primary School and Perumatura Primary School for Girls is under correspondence.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know when the sanction was accorded by Government?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*)): On 25-8-1936.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know when the correspondence with regard to the acquisition of the sites began?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): The member is quite inaudiable.

PRESIDENT: It is difficult to answer questions which are not heard. The honourable member says that the honourable member's question was not heard.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*); May I know when the correspondence with regard to the acquisition of the sites for the construction of the Primary school began?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): The correspondence began a few years ago. But owing to various difficulties no definite settlement has been arrived at.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know the stage at which the correspondence stands now?

MR. C. V CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I have been reminding the Division Peishkar about the acquisition so far as the Perumatura Primary School is concerned.

Appendix I.

Vide Answer to Question No. 162.

Statement showing the expenditure incurred on repairs to the continuous still in the Nagercoil Distillery during the past five years.

Year.		*Amount spent.*		
		Rs.	Chs.	C.
1107		494	14	4
1108		1377	22	13
1109		35	22	4
1110		29	26	15
1111		10	2	5
	Total	1948	4	9

Appendix II.

Vide Answer to Question No 171.

STATEMENT OF TUITION WORK FOR 1110 (1934-35)

COLLEGE OF ARTS.

Name of Officer.	Designation.	Weekly periods of tuition work.
History Department.		
Mr. C. V. Chandrasekharan M. A. (Oxon)	Principal	6 (including 2 hours Essays)
,, T. M. Krishnamachari M.A.B. L.	Professor	10
,, N. S. Narasimha Aiyangar M. A. B. L..	Asst. Professor	11
,, T. Damodaran Nambisan B. A. (Hons.)	Do.	12
,, N. Narayana Pillai B. A. (Hons.), B. L.	Lecturer	11
,, K. Mammen B. A. (Hons.)	Do.	12
K. P. Pillai B. A. (Oxford)	Do.	11
English Department.		
Mr. P. G. Sahasranama Aiyar M. A.	Professor	12
E. T. Thomas M. A., L. T. (B. A. Tripos) Cantab.	Do.	10

APPENDIX II—(*contd.*)

Name of Officer.	Designation.	Weekly Periods of tuition work.
(Malayalam)		
,, S. Ramiah B. A. (Hons)	Asst. Professor	11 (including 4 hours Comp. class)
,, G. Mahadeva Aiyar B. A. (Hons) B. L.	Do.	11 (do. 5 hours.)
,, M. Raghava Varma B. A. (Hons)	Do.	11 (do. 5 hours).
,, P. R. Paramesvara Panickar B. A. (Hons.)	Lecturer	12 (do. 4 hours.)
,, T. C. Mathew B. A. (Oxford)	Do.	11 (do. 4 hours).
,, K. Balaraman B.A. (Hons)	Do.	12 (do. 6 hours.)
,, A. Sankara Pillai B. A. (Hons)	Do.	12 (do. 6 hours)
Philosophy Department		
Dr. P. Narasimha Ayya M. A., Ph. D.,	Professor	10
Mr. T. N. Velu Pillai	Asst. Professor (Ag.)	9
,, K. C. Mathew	Lecturer (Ag.)	10
Oriental Languages Department (Sanskrit).		
Mr. V. Krishnan Tampi B. A.	Superintendent of Sanskrit and Dravidian Languages	13
,, N. Gopala Pillai M. A.	Lecturer	14
,, V. Venkitarama Sarma (Mahopadhyaya)	Jr. Lecturer	14 (including 2 hours Library work)
Mr. P. Ananthan Pillai M. A.,	Lecturer	11
,, C. I. Gopala Pillai M. A.,	Jr. Lecturer	11
,, P. N. Kunjan Pillai B. A. (Hons)	Do.	14
Tamil Department.		
Mr. A. S. Muthiah Mudaliar B. A.,	Jr. Lecturer	15

APPENDIX II—(*contd.*)

Name of Officer.	Designation.	Weekly Periods of tuition work.
	College of Science.	
Mr. A. Gopala Menon M. A., B. Com.,	Ag. Principal	No teaching work.
Dr. K. L. Moudgill	Professor	6 hours Lecture & 5 hours practical per week.
Mr. R. Srinivasan	Do.	11 hours per week.
Dr. H. Subramonya Aiyar	Do.	11 Do.
,, K. S. Padmanabha Aiyar	Do.	12 Do.
,, T. K. Koshy	Do.	14 Do.
Mr. V. Sivaramakrishna Aiyar	Do.	5 hours lecture & 6 hours practical per week.
,, G. Gopalakrishna Aiyar	Do.	12 hours per week.
,, K. R. Krishna Aiyar	Assistant Professor	4 hours lecture, 10 hours practical & correction of 80 note books.
,, G. Mahadeva Aiyar	Do.	13 hours per week
,, S. Sivarama Pillai	Do.	2 hours lecture
,, K. Sitarama Aiyar	Do.	12 hours practical per week.
,, M. S. Rama Aiyar	Do.	14 hours per week.
,, C. V. Subbarama Aiyar	Do.	14 Do.
Miss. K. C. Annamma	Do.	14 Do.
Mr. J. E. Chelladurai	Do.	15 Do.
Miss Mary John	Do.	14 Do.
Mr. J. Srinivasan	Do.	16 Do.
,, M. R. Balakrishna Warrier	Do.	13 hours tuition work & 150 composition exercises per week.
,, U. Sivaraman Nair	Do.	14 hours per week.
,, K. N. Vasudeva Panickar	Lecturer	Do.
,, S. Sathyavageesvara Aiyar	Do.	Do.
,, S. Thanu Aiyar	Do.	Do.
,, P. Harihara Aiyar	Do.	Do.
,, R. Srinivasachari	Do.	Do.
,, P. K. Krishna Pillai	Do.	3 hours lecture & 11 hours practical work a week.

APPENDIX II (*contd.*)

Name of Officer.	Designation.	Weekly periods of tuition work.
,, A. Narayanan Potti	Do.	14 hours per week.
,, N. A. Neelakanta Aiyar	Do.	Do.
,, M V. Chacko	Do.	Do.
,, A. Venkitachalam Aiyar	Do.	15 Do.
,, Ittyerah Joseph	Do.	,, Do.
Dr. T. T. Thomas	Lecturer	14 ours per week.
Mr. S. Sitharama Aiyar	Do.	3 hours lecture & 11 hours practical per week.
,, E. T. Mathew	Do.	15 hours per week.
,, Eapen Ittyarah	Do.	16 Do.
,, K. Narayana Aiyar	Do.	16 Do.
,, A. P. Mathew	Do.	15 Do.
,, P. Ananthan Pillai	Superintendent of studies in Indian Languages	11 Do. and 2 hours daily research work in connection with Hons. course in Malayalam.
,, S. Umamahesvar	Lecturer	13 hours per week.
,, Russel Solomon	Do.	15 Do.
Dr. P. V. Nair	Do.	15 Do.
Mr. V. Sankara Aiyar	Do.	16 Do.
,, C. Pannirukaiperumal Mudaliar	Do.	16 Do.
,, N. Raman Pillai	Do.	11 hours lecture & correction of 100 exercises
,, N. Kunjuraman Pillai	Do.	11 hours per week.
,, C. P. Parameswaran Pillai	Do.	10 Do.
,, T. K. Gopalan Nair	Instructor in Physical Training	12 ½ Do.
Mr. C. J. Joshua	Gymnastic Instructor	12½ hrs per week.
Rev. Fr. Engelbert	Part-time tutor	16 do.

COLLEGE FOR WOMEN.

English Department.

(a) Professor of English (also Principal)		5 hrs. per week.
Assistant Professor		12
Lecturer (2)	For one lecturer	12
	For the other	11

APPENDIX—II (*contd.*)

... of officer.	Designation.	Weekly periods of tuition work.
History Department.		
Professor		12
Assistant Professor		12
Lecturer (2)	For one lecturer	14
	For the other	13
Mathematics Department.		
Lecturer		9
Chemistry Department.		
Senior Lecturer		13
Junior Lecturers (2)		12 each
Physics Department.		
Senior Lecturer		12
Junior Lecturers (2)		12 each
Natural Science Department.		
Lecturer		11
Junior Lecturer		10
Logic.		
Lecturer		8
Language Department—Malayalam.		
Lecturer		8
Junior Lecturer		9
Tamil.		
Junior Lecturer		13
French.		
Lecturer		8
Sanskrit.		
Lecturer		12
Indian Music.		
Lecturer		[illegible]

DEMANDS FOR SUPPLEMENTARY GRANTS.

PUBLIC WORKS DEPARTMENT.

PRESIDENT: The House will now proceed to the next item of business.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Sir, I rise to move for a grant not exceeding Rs. 56,860 for (1) acquisition of land for the construction of Customs House, godowns and wharves in connection with the opening of the Port at Neendakara to the extent of Rs. 4,980, and (2) for the construction of permanent buildings for the Leper Colony at Noornad to the extent of Rs. 51,880. The Excise Commissioner will explain the reason for the demand of Rs. 4,980 required for the completion of the construction of customs house, godowns and wharves in connection with the opening of a Port at Neendakara and I will confine myself to the grant for the Leper Colony at Noornad.

Government have sanctioned altogether for the Leper Colony at Noornad, 3 estimates aggregating to Rs. 3,28,900 against which an expenditure of Rs. 2,07,189 has been incurred up to the end of the year 1111. The difference between the estimated amount and the expenditure so far incurred is Rs. 1,21,711. Of this Rs. 24,230 is required for payment of works that were in progress last year for which there is a budget provision of Rs. 20,000 in the current year and the remaining Rs. 21,500 is for works yet to be started in addition to the completion of the water supply arrangements which alone requires Rs. 26,150 When those works are completed the patients can be admitted to the hospital. I do not think there is any necessity to explain the demand further. I have given all the relevant figures and I hope the House will agree with me that it is desirable to admit the patients into the permanent buildings as early as possible.

MR. K. PADMANABHAN (*Chirayinkil I*): Is there not a port at Quilon?

PRESIDENT: Order, order. I take it that the honourable member's question relates to item No. 1.

MR. K. PADMANABHAN (*Chrayinkil I*): Yes, Sir.

PRESIDENT: The honourable member will perhaps wait until the Excise Commissioner has spoken.

MR. C. O. MADHAVAN (*Excise Commissioner*): Demands are often made.........

PRESIDENT: Will the honourable member please raise his voice a little louder?

MR. C. O. MADHAVAN (*Excise Commissioner*): Demands are often made by firms interested in the landing of goods at or near Quilon for permission to land heavy materials through the Neendakara Port. First of all the Electrical Engineer wanted to land some heavy machinery at Neendakara and then the A. D. Cotton Mills wanted to land an engine for their mills through Neendakara. Messrs Pierce. Leslie & Company also asked for permission to land coal at Neendakara. As such demands are made, the Government propose to open a port at

Neendakara as distinct from the one at Quilon and construct customs house, godowns and wharves there. It is for that purpose that this demand is made. The demand now relates to the compensation to be paid for the acquisition of land for that purpose on the northern side of the Neendakara Bar, to the east of the bridge. I move that the House may grant the demand.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether these demands were not complied with all this time?

MR. C. O. MADHAVAN (*Excise Commissioner*): In two instances we had to grant special sanction due to the absence of a regular port.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know when that special sanction was given?

MR. C. O. MADHAVAN (*Excise Commissioner*): One was in March 1935 and the other some time afterwards, in October 1935.

RAO SAHIB MAHA KAVI S. PARAMESVARA AIYAR (*Nominated*): Has no estimate been prepared for Neendakara being converted into a port?

MR. C. O. MADHAVAN (*Excise Commissioner*): No estimate has been prepared. Now the demand is only for compensation for the acquisition of lands.

RAO SAHIB MAHA KAVI S. PARAMESVARA AIYAR (*Nominated*): Has the member no idea as to the extent of the expenditure that the scheme would involve?

MR. C. O. MADHAVAN (*Excise Commissioner*): I am not in a position to give any definite information now.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is this demand likely to necessitate a permanent customs house there?

MR. C. O. MADHAVAN (*Excise Commissioner*): It is more godowns and wharves that are necessary now for the landing of goods. No permanent staff for a customs house is in contemplation at present.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know the articles that could be landed at the Neendakara Port?

MR. C. O. MADHAVAN (*Excise Commissioner*); Heavy machinery and coal have been already landed at Neendakara. It is more convenient to land these articles through Neendakara for further transport through the backwaters.

MR. A. THANU PILLAI (*Trivandrum--Rural*): May I know the total cost for opening the Port at Neendakara?

MR. C. O. MADHAVAN (*Excise Commissioner*): The total cost has not been estimated.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Cannot the member give at least an approximate amount of the total cost?

MR. C. O. MADHAVAN (*Excise Commissioner*): I am not in a position to give it now.

MR. A. THANU PILLAI (*Trivandrum - Rural*): Am I to take it that Government have embarked upon this scheme without any idea as to the total cost?

MR. C. O. MADHAVAN (*Excise Commissioner*): Of course it is not going to be a very costly thing. That is all that I can say now.

MR. A. THANU PILLAI (*Trivandrum—Rural*): I wish to know whether it would cost Rs. ten lakhs, one lakh or one thousand? The expression "very costly" may be interpreted in different ways by different people. I wish to know what the Government means by that?

MR. C. O. MADHAVAN (*Excise Commissioner*): On the assurance of the Chief Engineer I can say that it would not cost more than the cost for the construction of the building.

PRESIDENT: It is open to the Chief Engineer to speak if he is so inclined.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): At present the anchorage has been completed by the Survey Department. Boundary pillars demarcating the port have been built, and the only thing necessary at present is land for the building of the customs house and the wharves. Large expenditure would be necessary only when the Neendakara Port is more largely used.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I wish to know the total cost for the works now under contemplation?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Rs. 4,930.

MR. A. THANU PILLAI (*Trivandrum—Rural*): That is not what I want. I want to know the total cost for the completion of the whole scheme?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): This expenditure is for land for the construction of buildings in the port. The other will depend mainly on how the port is used by the shippers.

MR. A. THANU PILLAI (*Trivandrum—Rural*): What is the anticipation of Government in regard to that?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): It is anticipated that the Neendakara Port will be used by interested parties.

MR. S. J. NAIR (*Nedumangad*): May I know whether the customs house and the godowns are to be constructed before the opening of the port or subsequent to the opening?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I don't know whether a port is going to be opend. Now the attempt is that facilities should be given for boats to come into the port and to land their cargo.

MR. S. J. NAIR (*Nedumangad*): Sir, it is stated in the Demand "in connection with the opening of a port at Neendakara.........". In the absence of a port why should the customs house and godowns be erected?

PRESIDENT: I take it that the honourable members have got notice of these demands.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is there not a difference between a Port and a Harbour? Sir, all these questions are put to know whether it is the intention of Government to have a port or a harbour at Quilon?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Only a port is going to be opened at Neendakara.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is there not even now a port at Quilon for which no extraordinary expenditure was incurred?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Sir, may I just point out to the House that Neendakara has not yet been declared a port. For that purpose a notification will be published. The demand is for the acquisition of land. After the land is acquired, buildings will have to be constructed, and when all that is done a notification will be published declaring Neendakara as a Port.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is there any idea of declaring Neendakara a Port?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes, that is why the demand is made.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know what was the urgent necessity for moving a supplementary grant?

PRESIDENT: It is open to the President of this Assembly to speak on any motion, and having regard to the questions which have been put on the motion and a number of misconceptions which must have arisen, I propose to say a few words on these matters. In connection with the Pallivasal Scheme some heavy goods will have to be imported. The landing of these goods cannot be adequately handled at Alleppey. On the whole the demand has been great that facilities should be made at Neendakara for the landing of heavy cargo. In order to make Neendakara suitable for this purpose preliminary estimates of expenses are necessary and in order to meet that contingency I take that this supplemental grant is moved.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I oppose the demand. The first item of the demand *i. e.*, for Rs. 4,910 is objected on two grounds. One is that it should not be brought forward as a supplementary demand. The question of the goods to be got down at Neendakara for the purpose of the Pallivasal Scheme is not a new one. The Boundary pillar was erected a few years before and an allotment was sanctioned for the same. And at that time there was this necessity of having a customs house etc., but it was not brought to the notice of this House Probably some more goods will have to be landed for Pallivasal works; but there is no ground why a necessity that has not been felt on a previous occasion should be felt now. With regard to the goods for Pallivasal, there is no difficulty of ascertaining the value of goods without a special customs house. The other ground stated by the Excise Commissioner was that there was a demand from two companies for making landing facilities at Neendakara. It is not stated as to when the demands from these companies came to Government. He said that the Peirce Leslie Company and the A. D. Cotton Mills at Quilon had applied to Government for this in the year 1935. This does not establish the necessity to have a permanent customs house or a godown at Neendakara. These kinds of demands will arise only occasionally. If the Government want to oblige a particular firm......

PRESIDENT : I take it that the honourable member is reconciled to all these goods going to Cochin if landing facilities are not given at Neendakara.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Yes, Sir. This ground was brought forward when the goods for Pallivasal works were sought to be landed at Neendakara. But I do not fear that either the two firms or a larger number of firms at Quilon will prefer to have goods landed at Cochin and have them carried through more costly conveyances to Quilon than meet a smalll expenditure for landing goods at Quilon. I do not fear, Sir, that such a contingency would happen. But we are only concerned with the sanction of Rs. 4,980 for a permanent customs house. And we are not told as to the exact quantity of goods that are to be annually landed at Neendakara. I am not sure whether in the 4,980 rupees is included the pay of the staff as well. That has not been mentioned. It is stated "it is for the acquisition of lands etc." Then for the additional staff there will be further demands made from the Excise Commissioner during the next meeting of the Assembly. Sir, I am of opinion that when a supplementary demand is made there must be a special reason which did not exist at the time when the General Budget was introduced. Nothing of that sort has happened here. With regard to the next item of demand also, there was absolutely no justification for not including it in the General Budget. Large funds were set apart in the same for other purposes and the Government should have known that the amount was not sufficient for completing the same. The only reason that I could find for not including such a big amount under Leper Colony in the General Budget is to see that the budget should appear to be a surplus one or that the Government did not want to bring down the surplus sum under the budget.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I wish to offer a few remarks on this motion for supplementary grants. Sir, nobody for a moment doubts the necessity and the utility of this scheme. I don't think any serious objection is raised on that ground. We should see that these ports are developed as far as possible and as soon as possible and we must have more of them. And it has also to be taken into consideration that if heavy machinery allowed to be landed in Neendakara through the water route it may be a more advantageous and cheaper mode of transport to Pallivasal. I remember the Electrical Engineer explaining it to the House showing what substantial gain could be got if it is possible to land machinery in or near Neendakara. Because some firms also want to land their machinery for their use it cannot be taken that we should not incur an expenditure because they are private firms. Sir, affirming that facility for carrying on all businesses should be given I will have to make a few remarks on the manner in which these demands are presented to the House. The House has taken a consistent view with regard to the development of our ports and have claimed that they ought to be developed as soon as possible. But, Sir, it may be said that the income that we derive by way of customs at Quilon Port or from ports north of Quilon is not

wholly ours: we only get a share that is allotted to us. It may be asked then why should we incur more expenditure. That is a fact. But it is not merely the customs dues that we must take into consideration. Our prime consideration must be the development of the industries, commerce and other adjuncts of a progressive State. So, there cannot be any valid objection on the merits with regard to the development of this scheme.

With regard to the Noornad Leper Colony the question arose as to what was the necessity for this additional expenditure at this time of the year. I was able to understand that the additional expenditure became necessary on account of the fact that at first Government thought of completing the scheme bit by bit and afterwards they found it impossible to do so and they wanted to finish it as a whole. So they have demanded for a supplementary grant. The Government is quite right in demanding it, as we all know that they cannot take all the lepers and leave them without protection. Moreover, workmen refuse to go into the Colony when people affected with the disease are brought into the Colony. I can understand that it is a reasonable ground. But I do consider that there is some technical objection with regard to the way in which supplementary grants are made. I do not understand what prevented Government from bringing it forward during the regular budget session. Sir, in the Standing Orders rule 77 states thus:—

(1) An estimate shall be presented to the Assembly and the Council for a supplementary or additional grant when:—

(a) the amount voted in the budget of a grant for which the vote of the legislature is necessary is found to be insufficient for the purpose of the current year,

or

(b) a need arises during the current year for expenditure, for which the vote of the legislature is necessary upon some new service not contemplated in the budget for that year.

(2) An estimate may be presented to the Assembly and the Council for an additional or supplementary grant in respect of any demand to which the Assembly or the Council has previously refused its assent or in respect of an amount which the Assembly has refused.

(3) Supplementary or additional estimates shall be dealt with by the Assembly and the Council in the same way as if they were demands for grants

Sir, under what head do these items come and why were they not presented in the usual course? What were the special difficulties which prevented the Government from bringing it out as a regular demand? An explanation is due from the Government member who brings forward a supplementary grant. This House has been a bit lax in the matter of allowing supplementary grants. I consider that the present demand will be allowed by the House on the merits of the scheme. Some feeling remains in this House that no adequate explanation has been given by the member as to why it was brought forward as a supplementary grant. Under what head provided for the demand under supplementary grants does this come? I think that my friend

[Mr. K. Kunjukrishna Pillai.]

Mr. Asan was pressing this point. I take that this view point is a correct one that is to be taken if this House has to exercise its proper control over the expenditure of funds by Government. But on the merits of the scheme, I have nothing to say against the demand, except that some explanation ought to be given why this was not brought forward earlier since it has been admitted by the Excise Commissioner himself that the proposal came as early as 1935. The Electrical Department also made it known to them that they wanted to have facilities to land the machinery at Neendakara sufficiently early. It has also come to the notice of the Excise Commissioner that other firms wanted to get facilities. In the face of these statements, one would think that the Government member who brought forward the demand was not aware of the rules regarding supplementary grants. I request that as far as possible, supplementary grants have to be brought in strictly under the rules and even when it has become absolutely necessary to put forward supplementary grants, Government members should be asked to give the reasons, so that we may feel sure that they are at least aware of the rules relating to supplementary grants.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): I am not against declaring Neendakara as a port nor am I against the construction of a Customs House at Neendakara, for it is well known that without customs house, the revenue cannot be collected and smuggling cannot be prevented. But I propose to say a few words, because on previous occasions, in regard to the construction of Public Works, mistakes of a serious character have been made, that the Government have to be very careful in pushing such kinds of work. The distance between the Port of Quilon and the Port of Neendakara is only three or four miles. Quilon was a port for centuries and centuries and Neendakara was also not unimportant. Sir, for the last 70 or 80 years, the Government have been neglecting their chances of developing our own ports. Not merely that. The A. V. M. canal was constructed between Trivandrum and Colachel with the idea of giving communication between Colachel and Trivandrum, and with the idea of improving the Colachel Port. Sir, it is unfortunate to note that even that portion of the canal which had been opened with a flourish of trumpets as a patriotic duty by one of the great sovereigns of Travancore, that canal which couples the glorious names of the Maharajas with the still more glorious name of Queen Victoria, that canal which had been opened on the authority and assurance of the Travancore Government, is now neglected.

MR. K. KUNJUKRISHNA PILLAI (*Quilon 1*): Sir, it has been proved that during discussions on supplementary demands general policy cannot be discussed. I am afraid the discussion deals with the general policy.

PRESIDENT: I take it that in the case of a much experienced member of the Assembly all these should be regarded as introductory to the discussion. (*Laughter*).

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): am very thankful. I certainly know the law on the subject and I would be the last man to do anything not allowed by law. My point was only this, that before proceeding with this work, Government ought to be satisfied that it is a workable proposition which would confer benefit on the people.

The fact that the distance between Quilon and Neendakara is only four miles raises an important issue. Are we to have both the ports? Are we to improve both of them? They are questions connected with this supplementary grant. My only object in saying this before this House is that Government should be careful. They must consult real experts. There are specialists for every purpose. There is a specialist for looking to customs, the Excise Commissioner. There is a specialist in the Engineering Department. That is Mr. Truscott. But to co-ordinate these things, these various points of view, there is no organisation. Government have necessarily to sit in judgment over all these questions. No doubt, the experience of Government is great, but no Government has a mastery of all subjects. Therefore we have to be more careful. Things are often done without sufficient data, without correct knowledge. There are ports in Travancore but hitherto there are no proper charts prepared. So, if you embark on these schemes, I say, it should only be after a co-ordination of ideas. It should not be like two persons joining together to translate a piece of English into Malayalam; one of them not knowing English and the other not understanding Malayalam. I therefore submit that this House should take into consideration the prospects of the ports before you make a grant for the construction of a customs house.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, it is very much regretted that an important question like this should have given room for so much discussion and so much misunderstanding. When we are discussing the question of making Neendakara a port, we are trying to bring in the A. V. M. canal and the history of the Colachel Port. The question is whether this House shall vote for the demand now made of five thousand and odd rupees for the construction of a port at Neendakara and for affording further facilities for working it as a proper port. In the first place I understand that my learned friend Mr. Damodaran Asan has opposed it on principle and not on merits. I cannot conceive of any member of this House opposing the proposal on the merits. Quilon, they say is a port and the Government say now that Neendakara must also be made a port. Why should Neendakara be made a port when we have already a port at Quilon? This question, if properly answered would remove all doubts on the matter in question. Any person who is acquainted with Quilon can understand the necessity of a port at Neendakara. The development of the Quilon Port was considered by Government along with the opening of a port at Neendakara. These schemes were being investigated from a very long time past. Many have visited the places and enquired into the matter. They have all decided that Neendakara affords better

[Mr. Puthupalli S. Krishna Pillai.]

facilities for a developing port. For developing the Quilon Port, a pucca pier has to be constructed at enormous cost. The difficulty is for goods to be taken from the ships to the land across the high waves. Several accidents, resulting in loss of life and loss of property are the common features of the loading and unloading at Quilon. But Neendakara Port has its calm waters and has its larger facilities. Instead of spending a large sum of money for developing the Quilon Port, Government think it proper that Neendakara Port should be improved with a smaller investment resulting in greater advantage. Let alone the general question of employment for the unemployed. The place around Neendakara would become commercially more valuable and better prospects may be given to the people.

I do not plead that this must be the defence for the proposal. Now Neendakara has other prospects. A port is not a port for unloading. It is a port from where goods also may be loaded. Look at the development we have been having recently in regard to the monazite and ilminite manufacture. Because of this work near Neendakara price of land has gone up very much. A large number of people are doing work in the various factories. Applications are being made every month for the issue of fresh license. These indicate that Neendakara unlike Quilon port area, has a future as a manufacturing centre. Now I understand that these heavy materials are being taken in *Vallams* across the troublesome breakers to the ships and the shippers find it highly inconvenient and risky. The cost of transport is also heavy. If on the other hand the Neendakara Port is improved, transport will become easier, less risky and less costly. It will naturally result in an increase in export which implies larger production and larger employment of labour. It means additional revenue to the State. Not only Quilon or Karunagapalli, but even Colachel also will be interested in the development of a Port at Neendakara. There is no question of Central and South Travancore in this matter.

And after all what is the demand? It is only 5,000 rupees. Thousands and thousands of rupees are being spent on various other works. I am not surprised at Mr. Asan opposing the demand because he did it on principle and not because he had anything to say against it on the merits of the question. He is always opposed to a demand which is not brought forward in time. On principle I too support his view. Sir, Government have been considering this question for some time. Unfortunately it was not possible for arriving at a decision when the budget for this year was prepared. A decision could be arrived at only by Chingam this year. On that ground should we wait for another 11 months till the next year's budget is got ready? Personally, Sir, I would wish that all such matters are brought in at the Budget Session; because then this matter would not have attracted the attention of the honourable members here and would have been carried without any difficulty whatsoever. We all know, Sir, that during the Budget Session item after item is being passed *en bloc*. Then Colachel would not have

evoked feelings of patriotism in some members and Neendakara would not have evoked patriotism in another. It is a matter which has been engaging the attention of Government for a very long time. The decision was made only recently and the demand at present is proper. I therefore support the supplementary demand.

MR. S. J. NAIR (*Nedumangad*): I rise to support both the items of this supplementary demand. It has been stated by some of my friends that this demand was not in order since it could have been thought of even at the budget time. Rule 77 (*b*) says that an item of expenditure for a new service which could not have been contemplated at budget time could be brought in as a Supplementary Demand. And the Chief Secretary has just now told us that the Government propose—they have not yet done it; it is only a proposal—to declare Neendakara also as a port. Certainly the Government have come to that decision only after the budget for the year was passed. The demand is quite in order.

As regards the utility of Neendakara as a port, I can assure the House, from my own personal experience as a layman, that Neendakara would be the best port in Travancore. Long before Travancore entered the Cochin Harbour scheme, during the time of the late Maharaja, the Government of Travancore had this idea of developing Neendakara as a port. Unfortunately, for some reason or other, that proposal fell through; and now Travancore has entered into the Cochin Harbour Scheme. I can assure this House that Neendakara would be useful not only for the people around there and for this State as a whole, but also for the whole of South India if a port is started there. It would be a much better port than even the Cochin Harbour. The facilities now available at Alleppey and Quilon are not at all attractive to big shipping firms. It is therefore very necessary that Neendakara is developed into a port as early as possible. I am sure it would indirectly help the industrial and commercial regeneration of the State.

With regard to the second item of the demand, Mr. Truscott has informed us that the work has already been completed and that the contractor has to be paid. This House is bound to see that such payments are made in time.

With these words, I support both the items of the demand.

SADASYA TILAKA T. K. VELU PILLAI ((*Trivandrum—Urban*): I request that I may be given just one minute to make a personal explanation in order to clear a misunderstanding. I never said anything against the construction of a Customs House or other buildings, or the development of the Neendakara port. I only said that in declaring Neendakara as a port, it should be borne in mind.........

PRESIDENT: Such assurances are hardly necessary from the Deputy President of this House.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): As the President of the South Travancore Chamber of Commerce, I am in full agreement with the views expressed by my honourable friend Mr. T. K. Velu Pillai as regards the Colachel Harbour. It is perfectly

[Mr. P. Chidambaram Pillai.]

true that that harbour has been starved for years together while practically all the resources of the State have been spent on the mud-bank of Alleppey which has proved very costly and after all a failure.

But, Sir, it is not on that ground that I oppose the demand. My point is this. We do not know exactly what the development of this port would cost us on the whole. That is the ground on which I oppose the demand. A Singapore basin may be started at Neendakara, and it may ultimately prove to be a very costly scheme and perhaps also a bad failure.

PRESIDENT: So far as I can see, there is no idea of developing a submarine base at Neendakara.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Sir, what troubles me most is this. Why should we think of developing a port without having any idea about the total cost involved? Why should we make a post-mortem estimate (*Laughter.*) of such works? Therefore, Sir, I would, on a question of financial principle, oppose the demand.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I wish to speak a few words on the first part of the demand. I have not yet decided whether to vote for or against this demand. It is clear from the statement made by the Chair that the object of this grant is to afford better facilities for the landing of some heavy goods needed for the Pallivasal scheme. There is no doubt that, if there is real necessity for that even now, the demand should be granted. Personally I think that, although the need for such facilities might have existed at the time the Pallivasal works were commenced and were in progress, there is no reason to suppose that the authorities in charge of the works would have waited so long for this. We have not been told that the necessity exists even now. I do not think the Department could have waited so long. They must have somehow managed to land the goods that they required. Unless there is actual necessity even now, I am not for granting this demand. I request the Chair to direct some responsible officer to furnish this House with the information as regards the present necessity for this item of expenditure.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): I rise to support the motion for this supplementary grant. I must say that the information furnished by the official benches on this subject has not been adequate. Under the first item, the amount of Rs. 4,000 and odd now asked for is intended for the acquisition of land for the construction of certain buildings which will inevitably lead in future to further expenditure. It was therefore that I asked the Government member in charge of the demand what the actual cost of the erection of the Customs House, godowns and wharves would be on the whole.

The Government member was not in a position to furnish that information, although it could have been easily ascertained. I beg to suggest that, in future at least, when such demands are brought before this House, the Government members concerned would come prepared with an idea of the entire cost of the scheme and other particulars, as otherwise, it would not be possible for us to help them with our votes. All the same, I think that the cost, in this instance, may not be very heavy, and therefore, I am willing to support this portion of the demand.

From what I know of Neendakara and Quilon, I may say that Neendakara is a place of growing importance; and if it is declared as a port it will be of use not only to the people of Neendakara but of the State as a whole.

There has not been much of opposition as regards the second item ncluded in this demand. I think that item has also to be granted.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I have very great pleasure in supporting both the items of this demand. It has been the tradition of this House not to refuse a grant of this nature, especially one intended for the development of our ports. There is no question of any parochial or local patriotism in such matters. there is no such thing as Neendakara patriotism or Colachel patriotism. Sir, that great soldier-statesman, Raja Kesavadas, was a native of South Travancore and he was the maker of modern Alleppey. It was he who developed the Alleppey port. It is not in the blood of any Travancorean, whether he belongs to Parur or to Cape Comorin or to Karunagapalli or to Shencotta, to stand in the way of the development of our ports. That has always been the desire of every patriotic Travancorean to whichever caste or community he might belong. There is, therefore, no use in side-tracking the issue by referring to local patriotism.

Sir, this is a very important question In considering the development and maintenance of our ports, we have always to bear in mind the commitments that we have already made and also the possibility of our joining the Federation of India. Sir, we are parties to the Cochin Harbour Agreement. Neendakara, we must remember, is within the pooling zone, as it were, of the Cochin Harbour scheme. Fortunately for us, we have ports south of Quilon also; and they are outside the pooling area of the Cochin Harbour scheme. Colachel and Srimulapuram are two good ports in South Travancore. It has been ascertained that Srimulapuram is nearer Colombo than Tuticorin; and Colombo, as we all know, is in the trade route of the world. It should always be the aim and endeavour of our Government to develop these ports in South Travancore. My friend Mr. Puthupally Krishna Pillai referred to the monazite, ilminite and zircon factories working in the neighbourhood of Neendakara. Certainly those factories, must be given shipping facilities, as the monazite factories near Colachel should be given shipping facilities there.

PRESIDENT: Some time ago, when certain question was put regarding the relevancy of the observations of a previous speaker, I referred to those remarks as being introductory. The remarks of the honourable member now in possession of the House, I may mention, can hardly be regarded as introductory. It is the Neendakara port that is now under discussion before the House.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I submit, Sir, that it would be worth our while to develop the Neendakara port, especially because it would facilitate the landing of heavy goods needed for the Pallivasal scheme. There is no harm in our taking advantage of this immediate need and spending this small amount for the development of the Neendakara port. With regard to the other item, *viz.*, the construction of additional buildings for the Noornad leper colony it is a matter that has cropped up in the course of the current financial year. I find from the current year's budget that Rs. 20,000 has been allotted for this purpose. But the Chief Engineer has found that in the course of the year it is better and more convenient to take up all the buildings at once. For, if temporary sheds are put up where the leper patients are housed, the contractor will find it difficult to proceed with the work later on. So it was quite proper on the part of the Government to take up the completion of all the buildings for housing the leper patients at the same time. I was a member, Sir, of the Finance Committee before which this item was placed. The whole matter was discussed with the Government member and it is only after that that the item was granted by the Committee.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, it may be a very good thing to open a port at Neendakara. But we must not overlook the fact that we are dealing with the question in its financial aspect. I do not mean to say that the Travancore Government will not be able to spend Rs. 50,000 or Rs. 1 lakh for a scheme of this kind. But I maintain that when Government place before this House a new scheme of this kind they must be in a position to tell the House what approximately is the cost of this scheme. I asked for this information repeatedly of the official member. But there was no answer. The official side merely stated that the expenditure will not be large. Is it an answer? Am I to be satisfied with such an answer when we are discussing a scheme of this kind? I expect Government to give me a satisfactory answer when they want this House to consider this matter. This is not an insignificant matter.

It has been stated in this House that there has been a demand for opening this port for some time. What has Government been doing all this time? They were not willing to place this matter at the time of the budget. They have waited so long and yet they could not say what the approximate cost will be. Therefore I must oppose this demand for the port. By that I should not be taken to say that I am against the opening of the port. It is not so. There are other considerations why I oppose this item. Apart from the consideration of the proximity of the Quilon port, I oppose this demand on the financial aspect of it.

In regard to the leper colony at Noornad I am at a loss to understand why this supplementary demand was made now. I am sorry I was not able to hear the Chief Engineer distinctly. I think he told this House that the money has already been spent and the building has already been completed. If sc, I am prepared to support it. If not, I hope that more particulars will be given so that I may be persuaded to support this demand. But as things stand at present I have to oppose it.

MR. K. R. ELENKATH (*Kalkulam I*) : Sir, while supporting the motion I cannot but make a few observations on the way in which the demand has been made and the reasons advanced both by the official members and the members on this side of the House. I only want to deal with the question of the development of Neendakara into a port. It seems to me that Neendakara, compared with Quilon, has greater facilities and if properly developed it will become an important port in Central Travancore. Apart from that consideration, I cannot agree with the view expressed by one of the members that because one or two monazite factories have begun to work there, we should give facilities for them to export monazite and that because there is the Pallivasal Hydro-Electric Scheme and materials have to be imported, we must give the company that imports them a port nearby. Sir, if we are to give facilities to one or two companies for shipment and unloading by giving each one a port by spending Government money, there will be no end of it and no justification for it. Sir, the monazite in Manavalakurichi is exported through Colachel port which is as distant from if not more from the factory than Quilon is from Neendakara. What I say is that this consideration should not weigh with us in launching on a scheme involving heavy expenditure. As far as the particular scheme is concerned I agree to it because I am strongly of opinion that Neendakara will be a better port than Quilon. But before launching on such schemes in future the Government must consider their commitments in other directions. My view is that Government should afford port facilities south of Quilon as far as possible, because the customs revenue received from ports north of Quilon is not going to affect us materially under the terms of the Cochin Harbour agreement. If Quilon and Alleppey were the only ports brought within the pool of the Cochin Harbour revenue, then I would have advocated the development of Neendakara with much more vehemence and greater pleasure. But that is not so. Goverment will do well therefore to bestow greater attention on the development of ports south of Quilon, as for example Trivandrum, Vizhinjam, Colachel and Leepuram.

MR. P. C. KURIYAN (*Kottayam I*) : I wish to oppose item I of the demand. In doing so I wish to bring to the notice of Government the reply given by them in answer to an interpellation this morning that the price of copra ranges from Rs. 50 to Rs. 105. I wish to assure the House that the price of copra has never been above Rs. 50. If that is the kind of estimate for the Neendakara port, then I cannot support the demand. As Mr. Velu Pillai and Mr. Thanu

[Mr. P. C. Kuriyan]

Pillai have stated I should have more details before I support this scheme. Sir, we have heard a good deal about the Pallivasal Hydro-Electric Scheme. From what I have heard I am forced to express that there is good ground for the fear in the country about the success of the Pallivasal Scheme. There is also a fear about the success of the Rubber Factory.

PRESIDENT: Order, order. I rule that all references relating to the rubber factory and the possibilities of the Pallivasal Scheme are not germane to the question before the House.

MR. P. C. KURIYAN (*Kottayam I*): With these words I oppose the demand.

MR. G. NILAKANTAN (*Nominated*): Sir, I wish to say a few words. I wish to know whether the Neendakara port is to be treated in the same way as the Manakudi port. the Sree Mulapuram port, the Munambam port and the Trivandrum port. If it is to be treated like the Manakudi port, I wish to know the necessity for godowns, wharves, &c., If I am furnished with information on these points I shall be able to pronounce an opinion on these two subjects.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I little expected that there would be so much criticism and discussion on the demand relating to the Neendakara Port. Sir, the idea of declaring Neendakara a port started when the Electrical Engineer reported to Government the necessity of having wharves at Neendakara for the landing of heavy machinery required for the Pallivasal Scheme. On receipt of the report of the Electrical Engineer Government took the matter up with the Marine Survey Department of the Government of India. The anchorage at Neendakara had to be surveyed before Government could decide whether it would be possible to declare Neendakara a port. Though the Electrical Engineer wanted facilities for importing heavy machinery earlier than the Marine Department could finish the survey, it was not possible to do so. That was the reason why Government were not able to provide for this item in the budget for the current year.

The question was asked whether the necessity for landing the machinery for the Pallivasal Scheme still continues. I may say it does. Though some machinery were imported through Cochin, more machinery have yet to be got down and it will be to our advantage if we could import them through Neendakara.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I ask whether goods are not being got down through Neendakara till now?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): They are being got down through Cochin because facilities for landing do not exist at Neendakara.

Again, machinery have to be got down for the ceramic factory at Kundara. If facilities are not provided at Neendakara machinery will have to be imported through Cochin.

There seems to be some misconception as to how the amount will be spent. The amount is required for the acquisition of lands for the construction of customs house, godowns and wharves.

The machinery will be brought by the steamer. The steamer itself will not go into the backwater direct. The machinery will be transhipped from the steamer into barges which will go through the Neendakara bar into the backwater. Some wharves are necessary for unloading the machinery from the barges. It is proposed to provide these in the backwater. The wharves will be constructed within the Neendakara lake and near its shores. It is also proposed to construct customs house and godowns after acquiring the necessary lands. The necessity for the construction of the customs house and godowns will arise not because Government want to import their own machinery. When once facilities are provided for importing machinery for Government purposes the same facilities can be made available to private firms also for the import and export of their goods.

A few miles north of Neendakara there is a place called Kozhitottam which is now a port. At present ilminite which is being collected and stored at Neendakara is being shipped from Kozhitottam. If Neendakara and Kozhitottam are combined into one port, ilminite collected and stored at Neendakara need not be taken all the way to Kozhitottam, but can be shipped straight from there. Facilities have therefore to be provided not only for the import of heavy machinery but also for the export of ilminite and other products, and for this purpose Neendakara should be declared a port. As I explained a little while ago, before Neendakara could be declared a port a notification has to appear in the Gazettee. The question whether Neendakara should be declared a port independent of Kozhitottam or the two places could be a combined port is under consideration. Before anything is done in this direction the necessary facilities must be provided for loading and unloading goods. Once the place is declared a port anybody could import and export goods and then the necessity for collecting import and export duties will arise. Unless we have a customs house and customs officers, the payment of duty could be evaded.

Then the question was asked, how much the development of Neendakara as a port would cost ultimately. I must say that an accurate estimate has not been prepared. The honourable members can realise from what I have said that the idea is not to bring the steamers right into the backwater and build huge wharves or anything of the kind for that purpose. The proposal is only to build small wharves so that goods can be unloaded from barges. The goods will be transhipped from the steamers into barges which will have to go into the backwater through the Neendakara bar. It is only for unloading the goods from the barges that the construction of wharves is necessary.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): May I know whether the Chambers of Commerce were consulted in this matter?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir. Originally the idea was to import heavy machinery for the Pallivasal Scheme. Now there is necessity for importing machinery for the Ceramic factory, and ilminite and other articles produced in the State could also be exported. I may inform the House that Government are not going to invest lakhs and lakhs of Rupees for the development of this port. Now the idea is only to have small wharves. Government do not propose to incur heavy expenditure at present. But ultimately if it is found to be a paying concern the question of investing more money on further development may be considered.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether the masonry and other building works at Neendakara have been completed?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir. The difficulty in making provision in the budget for the current year was due to the non-receipt of the report of the Marine Survey Department of the Government of India on the survey they had conducted.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know when the construction of customs house and godowns will be proceeded with?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): After the acquisition of lands, construction will be started.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Is it to take place long after the acquisition of lands?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, as early as possible.

PRESIDENT: The question before the House is that a sum of rupees not exceeding 56,860 be granted under Public Works Department for -

(1) Acquisition of lands for the construction of customs house, godown and wharves in connection with the opening of a port at Neendakara Rs. 4,980.

(2) The completion of the construction of permanent building for the leper colony at Nooranad—Rs. 51,880.

The motion was put to the vote of the House and carried.

The grant was made.

PRESIDENT: Order, order. I thought that the discussion may not take very long and so I did not intend to prescribe any time limit. But considering the time spent on the first item of the grant and considering the fact that there are some more items as well as the report of the Public Accounts Committee for discussion, the House will agree with me in thinking that a time limit of 10 minutes be laid down, to every speaker.

GENERAL ADMINISTRATION EXCLUDING FINANCIAL SECRETARIAT, ACCOUNT OFFICE AND LEGISLATIVE BODIES.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Sir, I beg to move for a grant not exceeding Rs. 5,164 for the Public Service Commissioner's Office. The demand consists of a number of items. I shall explain the necessity for these items one by one. There is a provision of Rs. 2,000 in the budget of the current year under examination charges. The honourable members know that an examination has already been held. The expenditure has exceeded the amount provided by Rs. 100. The expenditure incurred so far is about Rs. 2,100 and the Public Service Commissioner says that it may be necessary to hold some more examinations in the course of this year. There is no provision for meeting the examination charges if they are to be held. The examination that was held recently was for the recruitment of English-knowing clerks. A sufficient number of candidates sat for this examination and the required number of eligibles has been secured. I understand that the examinations for the recruitment of Malayalam-knowing clerks and typists may have to be held again as there were not a sufficient number of candidates for those examinations. There is also a proposal to institute a Civil Service examination for recruitment to the higher division of service, *i.e.*, for posts carrying a pay of Rs. 150 and above. If this examination is to be held this year, provision has to be made for the necessary examination charges. On the whole an additional allotment of Rs. 2,000 is proposed under this head for the current year.

MR. S. J. NAIR (*Nedumangad*): May I know whether there is an advisory body or board to help the Public Service Commissioner?

PRESIDENT: I think it might be useful if the honourable member is allowed to finish his speech. It may be that some of the questions to be put by the honourable members may themselves be answered in the course of his remarks.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): A sum of Rs. 500 is required for the purchase and repair of furniture. This is a necessary item. There is a provision of Rs. 500 in the budget of the current year. The honourable members will remember that towards the end of last year an additional staff was sanctioned. Now also it is proposed to sanction some additional hands and it is necessary to provide funds for the purchase of furniture for this additional staff. Therefore a sum of Rs. 500 is provided for this purpose. I may also point out that this amount which will be spent by the Public Service Commissioner will be credited to the P. W. D. Workshops, from where the articles will be purchased.

A sum of Rs. 150 is necessary for the pay of menials. The Commissioner was till recently holding his office in the Government bungalow where he is living. There is an annexe attached to his bungalow where his office was housed. As this building was found to

[Rao Bahadur Rajyasavanirata Dr. N. Kunjan Pillai.]

be insufficient, the office has now been shifted to rented buildings near the Union Club. There is one watcher on Rs. 6 at present but the office is held in two buildings. With one watcher it is not possible to watch both the buildings and it is therefore proposed to appoint an additional watcher on Rs. 9 per mensem and a sweeper on Rs. 4 per mensem. For these two items an additional sum of Rs. 150 is required for the current year.

The next item is for the maintenance of the electric installation. When the office was held in the Commissioner's bungalow there were enough fans and lights. But in the rented buildings there are not sufficient fans and lights and some additional expenditure has to be incurred for providing them. For this purpose a sum of Rs. 500 has to be sanctioned.

Lastly, a sum of Rs. 1,314 has to be provided for the entertainment of additional staff for a period of three months. The honourable members will remember that even last year when the Commissioner asked for a large increase in his staff the Government examined the proposal and allowed only a portion of the staff asked for. Even then he said that the staff was not sufficient to cope with the increasing work in his office. Since only a limited additional staff was sanctioned and since examinations had to be held early this year the staff sanctioned was not able to cope with the ordinary work in his office. There were about 15,000 applications for various appointments. All these have to be sorted out and examined, those containing defects have to be eliminated and the rest posted in the register. This requires laborious work which will take up the whole time of a number of clerks. Since the whole staff asked for by the Commissioner last year was not sanctioned, the ordinary staff available had to attend to the examination work that was held in Chingam last and the work of sorting out, examining and arranging the applications fell into arrears. The Commissioner therefore applied for a few additional hands to clear off the arrears. The Government were convinced of the necessity and accordingly sanctioned an additional staff consisting of 1 clerk on Rs. 75-100, 2 clerks on Rs. 40-70, 9 clerks on Rs. 25-40, a typist on Rs. 25, an attender on Rs. 15 and 2 peons on Rs. 9-11 for a period of three months to work off the arrears. It is to pay this staff that a sum of Rs. 1,314 has been included in the supplementary demand.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Has the amount incurred on the last item been expended?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The sanction for appointing this staff was given on 25-11-36. Some of them might have already been engaged. Whether they have been paid or not and whether the payment has to be regularised by sanctioning this additional grant, has to be verified. These are the various items that constitute this demand for the office of the Public Service Commissioner. The honourable members will appreciate the necessity for all these items which I have tried to explain as fully as possible.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): In connection with the examination charges, may I know whether the Government do not derive any income by way of application fees?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes. The exact amount is not known. But I understand that up to the end of 1111 a sum of about Rs. 19,000 was received as application fees.

MR. S. J. NAIR (*Nedumangad*): May I know who conducts the examination?

RAO BAHADUR RAJYASEVANIRATA DR N. KUNJAN PILLAI (*Chief Secretary to Government*): The examiners appointed by the Public Service Commissioner in consultation with the Director of Public Instruction.

MR. S. J. NAIR (*Nedumangad*): Who prepares the question papers?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The examiners?

MR. S. J. NAIR (*Nedumangad*): May I know whether there is any separate body of examiners for the purpose.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir. They are appointed according to necessity.

PRESIDENT: Before adjourning for lunch I wish to say that though I regard the business on which the House is going to proceed and the discussion on the Public Accounts Committee also as of very great importance, the House will not think I will be guilty, if I will not be able to preside over the sittings in this House to-day or the next day to the extent that I would wish. The Lothian Committee is commencing its work on Sunday and my absence from the sittings of the House, I hope, will not be understood by the honourable members as due to want of deference on my part.

The House adjourned at 1-2 P. M. and met again at 2 P. M. with the Deputy President in the Chair.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*): I am sorry I have to oppose this supplementary demand in connection with the Public Service Commissioner's office. My complaint is in regard to that particular item of the demand under establishment. During the time of the budget the staff in the Public Service Commissioner's office including the Manager was enhanced by six hands, originally as a temporary measure, and an additional staff of seven hands by way of clerks and typists was allowed to continue. At the same time including the mochee and the attender he has got 16 peons. It is over and above this staff that the Public Service Commissioner is now coming forward with a demand for an additional establishment of as many as 12 clerks, 1 typist, 1 attender and 2 peons. From the nature of

[Mr. Pottayil S. Krishna Panickar.]

the work that the Public Service Commissioner is called upon to carry in his office and considering the number of hands already sanctioned for that office this additional demand for 13 hands by way of clerks and typists is very exhorbitant and unnecessary. When the Finance Committee met, the Public Service Commissioner also was present, and when interviewed, from the explanation that he gave we have been able to gather that these clerks are to be appointed only for a period of three months temporarily and they are intended to supplement the existing staff in the department. He expressly told us that he had no idea of creating a separate section in his office. I directly put a question to him as to the necessity of this different grades of clerks.

DEPUTY PRESIDENT: You are directly putting a question to me.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*) No, Sir. I directly put him a question and the answer that he gave was that the staff is only intended to be supplemented. He could not give me a convincing answer as to the necessity of these different grades of clerks. Considering the nature of the work that he is called upon to do in his office it is not necessary that there should be a clerk on Rs. 75—100, and 2 on Rs. 40—70. Even according to the original allotment of staff there is one Manager, a clerk on Rs. 75—100, and as though as a temporary measure there are 2 clerks on Rs. 40 70 and 5 clerks on Rs. 25—40. It was stated by the Chief Secretary that these additional clerks are necessary in order to tabulate the applications that the Public Service Commissioner has received and to keep a correct record of them. I cannot understand why all these hands are necessary to do this work. I, on my part, cannot allow this huge staff even though as a temporary measure. We have been told that these clerks have already been appointed. We are still in the dark as to how they were appointed, where from they were recruited, who made the recruitments and such other things. I understand that there is a lot of complaint even with regard to the appointments made by the Commissioner. Even the Commissioner has violated the rules that have been..........

DEPUTY PRESIDENT: The policy of appointments to the staff of the Public Service Commissioner, the caste-war representation and such other things are not relevant under this motion.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*): I have stated that I do not make any complaint against the appointment on the basis of caste. But there are certain other fundamental principles to be borne in mind in the matter of recruitment and those principles seem to have been violated by the Commissioner.

DEPUTY PRESIDENT: In the honourable member's speech there were words to that effect.

MR POTTAYIL S. KRISHNA PANICKAR (*Shertala II*): So in my view the additional hands now asked for are unnecessary and need not be sanctioned.

MR. S. J. NAIR (*Ndumangad*) : I oppose the demand. The time is come for this House to closely and carefully examine as well as scruitnise the works of the Public Service Commissioner. It is stated that one examination was held some time back and one or two more examinations are to be held under the auspice of the Public Service Commissioner for the matter of recruitment and that about Rs. 2,000 must be given for the sake of the examination already held. We do not know who set the question papers, whether there is any Board of Examiners for the purpose, who conducted these examinations and in what manner and method they were held. This House as well as the public are quite in the dark so far as these examinations are concerned.

DEPUTY PRESIDENT : You can make it clear that the House is not convinced with the necessity for the grant. But you cannot discuss about the way in which the examination was conducted by the Public Service Commissioner.

MR. S. J. NAIR (*Nedumangad*) : It has been stated by the Chief Secretary on behalf of the Government that this grant covers Rs. 2,000 under examination charges. What I submit is that we do not know the nature of the examination conducted, who set the question papers and such other things. The question papers were far from satisfactory. There was no sort of examination worth the name. It was conducted in a haphazard manner and in an irresponsible method. Such examinations are held at the instance of the Public Service Commissioner in the name of recruitment. We do not know why and how such examinations are held. We do not see any justification why this demand must be supported by this House. It is stated that some additional staff must be appointed in his office. The appointment of the Public Service Commissioner himself was as a result of constant agitation on the part of the public as well as this House due to various irregularities on the part of the Heads of Departments, who had the power for recruitment. In the matter of recruitment proper communal justice as well as personal justice should be resorted to. But what is the method and the manner in which that Commissioner makes recruitment in his own office ? A stenographer getting Rs. 25 is promoted to Rs. 75 to 100 scale. Sometimes a peon will be promoted as a clerk. There are certain rules laid down by the Government with regard to recruitment to the Public Service. The Commissioner himself has violated the very same rules. We have got various instances.

DEPUTY PRESIDENT: All these things are not covered by the motion. Here the simple issue is whether the demand should be granted for certain stated specific purposes which have been explained by the Chief Secretary. I hope the honourable member would confine to that.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : The honourable member has been pointing out the case of a typist on Rs. 25 being promoted to Rs. 75—100 scale and so on. I wish to know from the member whether these are only figures of speech or actual facts.

MR. S. J. NAIR (*Nedumangad*): Actual facts, Sir. In answer to an interpellation given on the floor of this House about this serious injustice .....

MR. JAMES SIMPSON (*Darbar Physician*): Is the member aware that the Public Service Commissioner has nothing to do whatsoever with promotions in any department?

MR. S. J. NAIR (*Nedumangad*): It is not a promotion. It was an appointment that he made in his own office. The stenographer who was getting Rs 25 was promoted, rather appointed to Rs. 75—100 scale in his office, when he had to appoint a fresh hand on Rs. 75—100.

DEPUTY PRESIDENT: I wish the honourable member will distinctly understand—the House will forgive me if I repeat it but I think it is necessary—that the simple issue is whether the work got or to be got from an additional staff is necessary or not. I did not hear Mr. S. J. Nair saying that there is not enough work. All these considerations are therefore immaterial. They need not be discussed.

MR. S. J. NAIR (*Nedumangad*): The Chief Secretary has stated that a sum of Rs. 5,164 is required towards the salary of the additional staff. We do not know why an additional staff must be maintained in his office. When proper justice is not done to the existing staff there is no necessity for engaging an additional staff, so that he can make appointments as he pleases.

DEPUTY PRESIDENT: I shall be obliged to call Mr. S. J. Nair to order in an effective manner.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is it the opinion of the member that if this demand is sanctioned the Public Service Commissioner will misuse it?

MR. S. J. NAIR (*Nedumangad*): It will be "കുരങ്ങിന്റെ കയ്യിൽ കൊടുത്ത പൂമാലപോലെ like"—giving a good flower garland in the hands of a monkey—to quote a Malayalam proverb. So I request the members of this House that not even a single pie out of this demand that has been brought to this House for additional staff to the Public Service Commissioner's office shall be granted.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I rise to support the demand. On a previous occasion also there was a hot discussion on this subject. Sir, the appointment of the Public Service Commissioner is a new incident in the history of our State. The appointment itself was made under very extraordinary and pressing circumstances and the success of the work of the Public Service Commissioner depends upon the expedition with which he could carry it out. When a similar supplementary demand was brought forward last time it was stated by the Chief Secretary that perhaps this amount might not be sufficient and the House would have to vote upon another supplementary demand and it is as a result of that this demand is now brought forward. There was no idea as to the volume of work that he will have to turn out. Now we are told that he has to dispose of 15,000 applications. We can imagine what a troublesome work it will be unless he is provided with

proper staff. Therefore the only question for consideration is whethe the present staff is sufficient to deal with the situation as explained by the Chief Secretary. Delay in the work and want of proper attention in disposing the applications will result in great injustice and inconvenience.

MR. S. J. NAIR (*Nedumangad*); May I know whether the applications are disposed of by the staff of the Public Service Commissioner or by the Commissioner himself?

DEPUTY PRESIDENT: That question need not be answered.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) The Public Service Commissioner will be able to do proper work only with the help of a competent staff. Sir, by giving the grant we are not incurring any loss, because we have an additional item of gain to the exchequer by way of application fees. Considering all these facts I hope this House will not take objection to vote for the grant.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): Sir, I rise to support the motion for the demand. I had no idea of speaking on this motion until I heard speeches opposing it. Last year also, Sir, there was an opposition from this part of the House probably on the ground that sfficient work had not been turned out by the Commissioner. Of course reports tell us that good work is being done by the department. Several sets of rules were framed by the Public Service Commissioner and he has prepared and issued several circulars. Information has to be obtained from several heads of departments as to appointments under them and as to the powers of each appointing authority. We all know an examination was conducted, at which several thousands were examined. The result was published. In connection with that a huge amount of work had to be attended to by the staff. Of course, being a new department, Government sanction has to be obtained in regard to the business that has to be transacted in the office. The Public Service Commissioner has to give replies to Government references also. Various types of forms had to be prepared by him and he had to make arrangements for their sale. Sir, all these are items of works to be attended to by the clerical staff. Then, there is the estimate of vacancies that may occur in all departments, so that appointments may be recommended by the Commissioner. There are about 20 to 25 appointments in the lower division. Applications pour in daily for appointments. These applications have to be scrutinised by responsible clerks and then they have to be registered in the appropriate registers. A good deal of correspondence has to be attended to in connection with these applications. Even copies have to be kept in proper files by the clerks where the original documents are to be returned. Sir, there is plenty of work in the office and therefore more hands are absolutely necessary. Then there are the selection lists which have also to be prepared. About 200 and odd appointments are to be made in the intermediate division. The selection lists will have to be made according to the rules of rotation. That has also to be done by responsible clerks. The House will be

[Mr. V. Ramakrishna Panikar.]

able to know the magnitude of work that has to be transacted in the office when they know that about 200 different registers have to be kept in the office. Sir, I totally agree with the Chief Secretary in saying that the items of expenditure detailed in the demand are very necessary and they must be granted. With these observations, I support the motion.

MR. N. E. VARUGHESE (*Tiruvalla I*): Sir, I oppose the motion for the demand. I oppose it on the ground that there are no sufficient materials for me to decide the question on its merit. The only estimate supplied to the House, Sir, is a bare statement in a paper that a sum of Rs. 5,164 is necessary for the Public Service Commissioner's Office. Sir, by an estimate I understand that all the necessary details should be supplied so as to enable us to come to a correct decision. The only information on this matter was the speech made by the leader of the House.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Were no other items clearly explained?

MR. N. E. VARUGHESE (*Tiruvalla I*): After hearing a speech from the leader of the House I closely followed the speech made by Mr. Panickar.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know, Sir, who is the leader of the House?

MR. N. E. VARUGHESE (*Tiruvalla I*): The Chief Secretary to Government. Sir, Mr. Panickar is a representative of this House......

DEPUTY PRESIDENT: The honourable member should understand that there is more than one Panickar in the House.

MR. N. E. VARUGHESE (*Tiruvalla I*): Sir, I refer to Mr. Pottayil S. Krishna Panickar. He is a member of the Finance Committee which went into this question. He was elected as a member of the Financial Committee by this House. He tells us now that he was not convinced by the arguments supplied by the Public Service Commissioner. When a representative of this House who had the opportunity to discuss the matter with the officer for whom the grant is being made, was not convinced, I do not know how we can be convinced by the barren speech made by the official member. Sir, now I am left in the dark and do not know to decide one way or the other. But taking the views of our representative in the Finance Committee as reasonable, I am of opinion that the demand is not quite necessary. With these words I oppose the motion.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Sir, I rise to oppose the motion. I am of opinion that the Government have no business to sanction any amount in anticipation of sanction from this House. Sir, I ask whether any extraordinary situation has arisen in the case of this department, for the Government to sanction anything without the sanction of this House. Another thing is that this House was not informed of the details of the work in the office for

which this demand is made. Now 13 clerks including a typist, 13 peons and 2 daffadars are already working in the office of the Public Service Commissioner. The Chief Secretary has stated that about 15,000 applications were received in the office and to cope with this large number of applications additional hands were needed. And it is stated on behalf of Government that these temporary hands were employed only for a specific purpose for a certain limited period. But, I have strong doubts that when they are once employed some reason will be brought forward by Government to retain them. Then, regarding the item of amount that has been sought to be sanctioned by this House *i. e.*, the expenditure incurred in connection with the Public Service Examination. The details for this item of expenditure are not given. We do not know whether the examination was conducted on communal basis and whether the same principle was adopted in the choice of examiners. All these relevant details, however, were not given to the House.

DEPUTY PRESIDENT : That will depend upon Government proceedings on the subject. Government direct that such and such persons should be chosen as examiners according to the principle of communal representation. The Public Service Commissioner can do only what the rules approved by Government dictate. Unless those rules are corrected what Mr. Menon states is not correct.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Sir, I am presenting only the relevant facts that may go to help to form a decision by this House. One item of the demand happens to be for the expenditures incurred for conducting an examination. Where are the relevant details to show that the expenditure is a justifiable one?

DEPUTY PRESIDENT . I rule that the communal representation in the appointment of examiners has nothing to do with this question.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Sir, apart from communal representation there are other relevant details which the House has a right to know. The House should know about the number of subjects on which the pupils were examined, the efficiency of the board of examiners, the particular methods of conducting the examinations and the number of centres fixed throughout the State. Sir, these are facts which should be presented to the House so that the public may have confidence in the system adopted by the Commissioner and these relevant facts are also useful for the House to arrive at a right decision. The Chief Secretary has stated that in anticipation of the sanction of this House Government sanctioned on 25-9-1936 a new staff for the Public Service Commissioner. But we do not know whether there was any real congestion of work during that particular period, and if so, whether that pressure still continues to justify a further increase of hands.

Sir, the Chief Secretary to Government has stated in the course of his speech that anticipating the sanction of this House, sanction was accorded on 25-9-36 for these temporary hands to be appointed in the Public Service Commissioner's Office. On whose discretion are these

[Mr. Edavanatt S. Padmanabha Menon.]

additional hands to be entertained? How far and how long? These are facts which are not answered. Regarding the appointment of the staff in the Public Service Commissioner's Office there is a lot of heart burning and misunderstanding. Rightly or wrongly the principles of fair play that are being followed and adopted in other departments of the State are not strictly adhered to. It is up to the Government bench to dispel these fears and to place all relevant facts. Under these circumstances, Sir, I request this House to vote against the demand.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I also wish to make a few remarks on this demand. The main portion of the demand is necessitated on account of the examination already conducted and on account of examinations that are to be conducted. It is said that the additional staff is now needed because the existing staff has been asked to do the work relating to the last examination. Rs. 2,000 is asked for examination charges, that is for examinations that are to be conducted in future. With regard to the examination that has been already held, Sir, according to me satisfactory work has not been turned out by the staff of the Public Service Commissioner. If satisfactory work has not been turned out by the staff, I do not think much time would have been taken up by them for that kind of work, so that there was no necessity to postpone their normal work The Chief Secretary has stated that about 15,000 applications have been received in the Office of the Public Service Commissioner. That only means that a sort of anxiety has been created in 15,000 breasts after sending up the applications with the necessary fees. After sending up the application the applicants are entitled to know as to what has become of their applications. The candidates who have appeared for the examination are entitled to know the result of the examinations. The numbers of the candidates who have passed the examinations have been recently published in the Government Gazette. Their numbers and community to which they belong were published in the Government Gazette. With regard to that, I have no complaint. With regard to those who have not passed, are they not entitled to know as to the subjects in which they have failed?

MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, the Public Service Commissioner held a selective test and may I know whether there is anything like a subject in which any candidate could fail?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): There are a large number of subjects in which the candidates are examined. I cannot classify them now.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, may I know whether it is reasonable to publish all the details regarding 18,000 pupils who appeared for the examination?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Nobody said that 18,000 pupils had appeared. Only 15,000 pupils sent in their applications and all those applications were not from those who wanted to appear for examinations.

MR. A. THANU PILLAI (*Trivandrum--Rural*) : May I know whether it was stated that sufficient number of pupils were not forthcoming with regard to the vernacular portion?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): With regard to these candidates from whom the examination fees were levied, a duty was cast upon the Public Service Commissioner to publish the result of all the candidates.

DEPUTY PRESIDENT : Is it Mr. Asan's view that the Public Service Commissioner is bound to inform the candidates of the subjects in which they failed without the candidates asking for it?

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Yes, that is my decision. He must publish it in the Government Gazette. If it is not possible he must inform the candidates individually. I do not think that there can be any difficulty to intimate the candidates concerned the result of their examination. That is usually done. I am not asking the Public Service Commissiener to do anything impossible. All that he has done is to publish the number of the candidates who have already appeared. I think that procedure was quite possible.

With regard to the examiners, I do not want the Government or the Public Service Commissioner to disclose the names of the examiners before the examinations are conducted, or before the papers are valued because they must have some rest. I say this not as a reflection upon those who are appearing for the examination. Anyhow it is better and safer not to disclose the names of the examiners before the results are announced.

DEPUTY PRESIDENT : We are concerned with the quantity of the work and not with the general policy of the Government.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : A point was raised that with regard to the conduct of the examinations that there would not be sufficient confidence in such examinations because so many details were being withheld. If these examinations are to generate any confidence......

DEPUTY PRESIDENT : We are not concerned with that.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : I may point out one fact. If they are not prepared to give us sufficient details to satisfy the public that these examinations are properly conducted, we have to throw out this demand. So, what I beg to submit is that I do not think that there is any necessity to appoint any additional hands for doing arrears of work, with regard to examinations that have already been held. I may also mention this, that if Government have already allowed the Public Service Commissioner to make the appointment, I protest against that act as well. There is absolutely no reason why extraordinary steps should have been taken. If that step has already been taken, the Government need not have resorted to the procedure of coming to this House with a supplementary demand. There is

[Mr. A. S. Damodaran Asan].

another provision which enables the Government to sanction expenditure which has to be incurred in emergent cases. But this is not an emergent case. This is a case which could wait till the sanction of this House is obtained and if any obligation has been cast upon the Government by sanctioning the appointment before getting the sanction of this House, I cannot approve of such a course. With these words I resume my seat.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : As has been stated here already, I too like to get some more information regarding this demand. As for the examination, if I understand the Chief Secretary aright, I should think there can be no justification for entertaining more clerks. One examination has already been held. This is the main examination for the Public Service Commissioner to hold. That is for the clerkships on the lowest grade of English-knowing clerks and the results have been published. I do not quite agree with my friend Mr. Asan in thinking that the numbers of all the candidates should be published and the subjects in which they failed should also be mentioned. It is a competitive examination and I only think that the numbers of the candidates who have succeeded need be given. Nobody is interested to know the subjects in which a candidate has failed. He is only interested to know whether he is included in the pass lists. I do not think that the pages of the Gazette should be wasted by publishing all these fifteen thousand names. Anyhow the examination has been held and about 300 to 500 vacancies are anticipated and the requisite number published.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*) : Is it not necessary to publish the communities of candidates also?

MR. A. THANU PILLAI (*Trivandrum—Rural*) : Seeing that the whole thing proceeds on a communal basis one may be interested in knowing the community to which the candidates belong. Personally I like to know how the results stand, apart from the artificial standards. I do not think any interest will be served by publishing the names. With regard to the examination in which the Malayalam-knowing clerks were required I am surprised to hear that a sufficient number of applications have not been received. After all, we are not entertaining very many Malayalam-knowing clerks in other departments than the Registration. How the number falls short of the anticipated number of vacancies, I fail to see. The Government have made this elaborate machinery. Even though fifteen thousand applications are received no applications from the Malayalam-knowing candidates are received. When the vacancies in favour of English-knowing clerks are 300, the vacancies with regard to Malayalam-knowing clerks are only 30 or 40. So a small examination is what is necessary. What further examination is to be held? As for the civil service examination, I do not think the number there, can go up to 1000. It may be somewhere about 100 or 200. It must

be a very small thing. So the examination conducted on their behalf cannot give much work to the Commissioner's Office. If these clerks were attending to the work of the examination, now, since the examination work is over, the clerks can carry on the routine work. Apart from these examinations, what volume of work can possibly be in this office? The Chief Secretary has completely failed in making out a case for appointing more clerks. I hear that these clerks have already been entertained and if the Government have done so they have made a serious mistake. They will do well to disband these clerks.

In regard to furniture, if new clerks are not to be sanctioned, new furniture also need not be sanctioned.

Then there is the question of about Rs. 150 for menials. That is a very small matter.

There is also an item of Rs. 500 for electric installation. The office is now being held in a private house. If so, what is the arrangement under which Rs. 400 of public money is to be spent on a private building? Whether it will be refunded by the owner at the termination of the lease or whether it would be adjusted towards the rent, all that has not been made clear to us.

On the whole, Sir, I do not think a case has been made out for the demand being granted.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The discussion, so far as I could see, has been mainly on two items, namely, additional staff and examination charges.

As regards the additional staff, I thought I had made out a case. I am sorry to find that some honourable members on the other side think that I did not. Sir, the point that I urged was that, on account of the examination held in Chingam 1112, the normal work of the staff of the Public Service Commissioner's office was held up and fell into arrears. The arrears have to be cleared, and the earlier it is done the better, so that there may not be further accumulation of arrears. I said that there were about 15,000 applications. They were not all for appointments in the intermediate or the higher divisions of service. A large majority of them were for appointments in the lower division, such as peons and menials and such other appointments on a pay of less than Rs. 20 a month. The House will realise that, in regard to these appointments, there is no examination to be held; only the applications have got to be scrutinised and arranged according to community, acting service, &c. According to the Recruitment Rules, a communal rotation has to be followed in recruitment to the lower division and in the case of the applicants who had acted, that fact also has to be taken note of. Thus there is a very large volume of work to be done in dealing with such applications.

MR. A. THANU PILLAI (*Trivandrum—Rural*): In the case of applicants for these posts, seeing that their number is very large, is there any possibility of intimating them early that there is no chance of their being entertained within a reasonable time, and that they need not wait?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): That can be done only some time hence. It involves a lot of preliminary work.

MR. P. C. KURIYAN (*Kottayam I*): If there is to be no examination for recruitment to the lowest grade.... ...

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I do not hear a word of what the honourable member says.

MR. P. C. KURIYAN (*Kottayam I*): If there is to be no examination for recruitment to the lowest grade, what is the principle that will be followed in the recruitment to that grade?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I am sorry I have no time to explain in detail the rules on the subject. I would simply request the honourable member to read the rules which were published in the Gazette.

Sir, about 15,000 applications have got to be sorted, scrutinised and arranged. On account of the holding of the examination, the staff of the office could not find time to attend to this work, with the result that it has fallen into arrears. Therefore, the additional staff now asked for is absolutely necessary; and it is going to be engaged only for three months, just to clear the arrears.

Now let us suppose that, as suggested by some honourable members, this additional staff is not sanctioned. What is going to be the result? All these 15,000 applications will remain unexamined, and the applicants will be denied the chance of entering Government service. Unless these applications are scrutinised and arranged, it will not be possible to recruit any of the applicants. All the 15,000 unfortunate candidates will be denied the privilege of getting into service.

MR. A. THANU PILLAI (*Trivandrum-Rural*): What is the usual work of the normal staff, Sir?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): But for the fact that on account of the examination the normal work had fallen into arrears, it would have been attended to by the existing staff. The honourable member knows that if arrears accumulate in Courts, they have to be cleared by the appointment of temporary Judges and Munsiffs.

MR. A. THANU PILLAI (*Trivandrum-Rural*): But there is this difference fresh cases are being filed every day, whereas in the case of the office of the Public Service Commissioner, it stops with the 15,000 applications that have been received already. I do not think fresh applications are pouring in.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Here also, applications are still coming in. Anyhow, the present arrears have to be cleared.

Sir, after all, this small additional staff is required only for a period of three months. Some honourable members have stated that the period has not been mentioned. I thought I made it very clear that the additional staff was required for a period of three months only.

I may add, Sir—I do not want to hide facts—that Government have issued orders that the Public Service Commissioner may appoint these additional hands according to necessity. It may be that he does not want all the twelve men immediately.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether the appointment of clerks and menials in the office of the Public Service Commissioner are also subject to the Public Service Rules?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Certainly.

MR. N. E. VARUGHESE (*Tiruvalla I*): What is the necessity for appointing different grades of clerks?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): If the honourable member will have patience, I will come to that point. I am not being allowed to continue.

Mr. Pottayil Krishna Panickar, a member of the Finance Committee, told us that he examined the Public Service Commissioner at the meeting of the committee but was not satisfied that a case had been made out for this demand. I thought, Sir, that he too was satisfied. Anyhow, the majority of the members of the Finance Committee were satisfied with the answers given by the Public Service Commissioner. and, that is why this demand has come up to this House.

Sir, in regard to the difference in the grades of clerks to be recruited temporarily, I have to point out that it is necessary to have different grades, because it is not the same kind of work that all these twelve hands are going to do. For every 5 or 6 clerks on Rs. 25-40, a higher grade clerk is required to examine, scrutinise and supervise their work. It is for this purpose that a few hands in higher grades are provided. For nine clerks on Rs. 25-40, it is proposed to appoint only two on Rs. 40-70 and one on Rs. 75-100.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether, in sanctioning this temporary staff, the Government have directed the Public Service Commissioner to recruit such hands from any particular office of the Government?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Government suggested to the Commissioner that it would be advisable to select a few hands with Secretariat experience; but Government did not make it obligatory on the part of the Commissioner to do so. It was left to his discretion to recruit fresh hands or choose men from any department.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether some of the appointments made by the Public Service Commissioner have been objected to by the Account Officer?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I have no information.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know whether the Public Service Commissioner has already appointed three of these clerks?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I think so.

MR. K. PADMANABHAN (*Chirayinkil I*): Has he given double acting promotions to some of the hands in his office?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I do not think so. Sir, I know there is some misunderstanding about some of the appointments made by the Public Service Commissioner. Mr. S. J. Nair also referred to some appointments made by the Commissioner. As Dr. Simpson made it clear by a question, the Public Service Commissioner is concerned with and is responsible for only initial recruitment. No kind of promotion comes within his province. The Heads of Departments have got certain powers of appointment and the appointments and promotions which are beyond the powers of departmental heads are always sanctioned by the Government. In the particular case referred to by Mr. S. J. Nair, it was the Government that sanctioned the promotion, and they did so because they were convinced of the justice of the case,

MR. S. J. NAIR (*Nedumangad*): May I ask whether in the case alluded to by the Chief Secretary, the case in which a stenographer on Rs 25 or so was promoted as a clerk on Rs. 75-100, the Government considered that it was not irregular?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Government would not have sanctioned it if they had considered it irregular.

In regard to initial recruitment, I can say definitely and boldly that the Public Service Commissioner strictly follows the Recruitment Rules. Some honourable members seem to be under the misapprehension that since the Commissioner has drafted the rules it is open to him not to adhere to them. Sir, although he has framed the rules, it is the Government that has sanctioned them, and the Public Service Commissioner is bound by the rules passed by Government.

MR. A. THANU PILLAI (*Trivandrm—Rural*): Are not the other officers bound by those rules?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes, but the imputation has been made that the Public Service Commissioner has not adhered to the rules.

DEPUTY PRESIDENT: The Chief Secretary has stated that the Public Service Commissioner is bound by the rules. The question whether other officers are bound by them or not is not relevant. It need not be answered.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Another point that has been raised in the discussion is about the examination. I am glad that some honourable members have answered the points raised by some others. Sir, the examinations held by the Public Service Commissioner are competitive examinations, and wherever competitive examinations are held, only the names or numbers of those who come out successful are published. Nowhere are particulars of those who fail are published. Take, for instance, the Civil Service Examination or the Public Service Examination held in Madras.

The results of those who have passed are alone published and not of those who have failed. It is neither advisable nor necessary to publish the results of the large number of candidates who have failed along with the results of those who have passed.

Regarding the selection of examiners, Government have given directions to the Public Service Commissioner that he must select them in consultation with the Director of Public Instruction. I must say that the question of communal representation in the case of examiners has not been considered. If communal representation is to be taken into consideration in such matters also I do not know where it will end.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I want to know whether examiners are appointed in the same way as examiners are appointed for other examinations?

DEPUTY PRESIDENT: The question is vague.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know whether there is any case of complaint that the name of any examiner was known to any candidate?

DEPUTY PRESIDENT: I have already said that these questions are not relevant to the motion before the House.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir. No examiner's name was known to any candidate. If the examiners' names are known to candidates the examiners will have no peace of mind.

In such matters we must leave it to the responsible officer concerned to select the best men available in consultation with the head of the Education Department. I think these are all the points raised by the members.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I wish to know whether any examination is to be held in the near future for the selection of English-knowing clerks.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I do not think that any examination will be held in the near future for recruiting English-knowing clerks. An examination may be necessary for Malayalam-knowing clerks as also for typists.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Has not the typists' examination been held already and the results published?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes, but the Commissioner thinks that sufficient candidates have not come forward and that it is not possible to fill the probable vacancies with those already selected.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know the probable number of vacancies that may arise in the next few months in the cadre of Malayalam-knowing clerks and typists?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I have no definite information.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Will any examination on a large scale be conducted in the next few months?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): It may not be necessary to hold an examination for English-knowing clerks but it is necessary to hold an examination for Malayalam-knowing clerks and typists and for recruitment to the civil service.

Mr. A. Thanu Pillai said that there will be very few candidates for the civil service. I may say that though the number of candidates may be few the remuneration to be paid to the examiners will be high and probably examiners from outside the State may also have to be engaged.

The grant was then put to vote and carried.

The demand was made.

PORTS.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Sir, I move for a grant not exceeding Rs. 11,998 under ports. This is required for the maintenance of the dredger which Government have purchased for dredging the Alleppey Port. Honourable members will probably remember that a sum of Rs. 1·10 lakhs was sanctioned in 1111 for the purchase of a dredger. The dredger was ordered and it came out towards the end of 1111. About two-thirds of the amount was paid and the remaining one-third could not be paid because the dredger was not assembled and tested. This has since been done and the payment has been completed. I may also mention in this connection that the firm who supplied the dredger demanded payment immediately and Government paid them about Rs. 35,000. The sum asked for now is not for that purpose. This is intended to cover the establishment and maintenance charges during the current year.

My friend Mr. Damodaran Asan will surely put the question: "How is it that this expenditure was not foreseen when the budget was framed?" My answer is that when the dredger was purchased Government did not know what maintenance charges and staff would be required. This could be known only after the dredger was put in working order. It was therefore not possible to make provision in the regular budget and so Government have come to this House now with a supplementary demand.

It is proposed to appoint a dredging master on Rs. 70, a driver on Rs. 60, an engine driver on Rs. 30, an engine oilman on Rs. 15, a main engine driver on Rs. 30, a main engine oilman on Rs. 15 and four lascars on Rs. 15 each. The total expenditure for the establishment comes to Rs. 2,240. For the maintenance of the dredger including insurance a sum of Rs. 8,126 is required and for working expenses Rs. 1,632 is required. All told, the total expenditure comes to Rs. 11,998. I hope the House will pass this demand.

The demand was put to vote and carried.

The grant was made.

AGRICULTURE AND FISHERIES.

MR. K. R. NARAYANA AIYAR (*Director of Agriculture and Fisheries*): Sir, I rise to move for a grant not exceeding Rs. 3,500 in connection with the research scheme on the root diseases of the cocoanut palm in South India financed by the Imperial Council of Agricultural Research. The Government of Travancore prepared a detailed scheme for the investigation of the root diseases of the cocoanut palm and applied to the Imperial Council for a grant from their funds to the extent of Rs. 92,880 spread over a period of three years. The scheme was accepted by the Council with certain modifications suggested by a Technical Committee which examined it. As a first step in the investigation the Council has sanctioned a sum of Rs. 25,500 spread over a period of three years. The Imperial Council has agreed to provide for the salary and travelling allowances of the Plant Pathologist and his staff to be appointed for the purpose and also for contingent expenditure to the extent of Rs. 500. In accordance with this scheme the Travancore Government have to provide the expert laboratory accommodation with the necessary equipment, supply of books and periodicals and also for a contingent expenditure of Rs. 500 for carrying on field experiments in affected gardens.

The reason why this demand was not brought in the regular budget session of the Assembly is that the details of the scheme were finally accepted only in the middle of September last and the Imperial Council provided for funds only very recently.

In view of the fact that the results of the investigations are likely to confer lasting benefit to Travancore and in view of the fact that the lion's share of the financial burden of the investigation is borne by the Imperial Council, I request that the House will be pleased to sanction this demand.

The demand was put to vote and carried.

The grant was made.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

DEPUTY PRESIDENT: The next item of business is the presentation and discussion of the Report of the Public Accounts Committee. Honourable members can speak on the Report generally and the member who has given notice of a resolution can make a speech in support of that resolution also.

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): Sir, I beg to move that the Report of the Public Accounts Committee on the Audit and Appropriation Report for 1110 submitted by the Account Officer be taken into consideration.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Sir, the resolution which I move for the acceptance of this House is as follows:—

> "In order to prevent the unjustifiable transfer of allotments as stated in paragraph 14 of the Report, this Assembly recommends to Government the creation of a P. W. D. Reserve Fund consisting of the unspent budget allotments for any year so that the amounts may be spent for the same work in the subsequent year or years as the case may be."

[Mr. T. P. Velayudhan Pillai.]

Sir, before entering into the discussion on the merits of the resolution itself, I wish to make a few general observations about the Report. For the purpose of obtaining supplementary grants the Government appear to have treated certain items of new expenditure as "new services". For instance, the opening of a special survey class and the printing of five hundred copies of the wall map of Travancore are included in the category of "new services". Sir, this is highly objectionable because these items of expenditure could have waited till the regular budget session of the legislature.

My second objection relates to the authorisation of expenditure by the Dewan in cases of emergency under Section 32 of the Travancore Legislative Reforms Regulation. I am constrained to submit that this power is being exercised even for purposes which do not strictly come within the objects intended by the Regulation. I shall mention one instance. The Dewan has certified the amount necessary for the reorganisation of the C. I. D. branch of the Police. I do not at present impeach the necessity for such a reorganisation. My only objection is that this matter could have very well been placed before the Legislature and its sanction obtained. The course of action adopted by Government is highly objectionable.

Now coming to my resolution I must say that the Government are bound to maintain continuity of policy in the different branches of the same department at least. Sir, the P. W. D. and the minor Irrigation Department are two branches of the same department. In the Minor Irrigation branch of the department the creation of a reserve fund is allowed under the proceedings passed by the Government. So I submit that at least to maintain continuity of policy the creation of a general P. W. D. reserve fund consisting of all the unspent budget allotments for every year is necessary. This House has been impressing on the attention of Government the necessity for the creation of a separate P. W. D. reserve fund by means of resolutions and cut motions. In answer to an interpellation of mine, the Chief Engineer on behalf of Government stated on the floor of the House that the creation of a P. W. D. Reserve fund is against all budgetary rules. So far as I am aware it is not at all against any rule or procedure. The Government may be aware, I believe, that they include in the budget, provision for certain works, as a result of repeated representations made by the public. On account of want of sanctioned estimate or the acquisition of land or for some other reasons of the like nature the department may not be able to carry out its work during the course of the year for which a provision is made in the budget. Instances are not few where there was no provision for some works in the subsequent year. This is indeed very hard and disappointing to the public. I therefore think it is highly necessary to constitute a general P. W. D. reserve fund. Moreover as is seen from para 14 of the Report it is necessary to prevent unjustifiable transfer of allotted provisions. Under

these circumstances I commend the resolution for the unanimous acceptance of the House.

MR. N. E. VARUGHESE (*Tiruvalla I*) : May I know whether it is the member's idea to create a reserve fund with the unspent balance of the budget amount or a special allotment is to be created for this purpose?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : The resolution I have just marked is clear on the point. For the information of the member I shall say once again what it contains. Reserve fund consisting of the unspent budget allotments for any year so that the amounts may be spent for the same work in the subsequent year or years as the case may be, may be created.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : What is the harm in having the amount that is unspent being provided in the budget of the coming year?

DEPUTY PRESIDENT : So far as Mr. Varughese's question is concerned I think the answer was in the resolution and the honourable member gave the answer. With regard to Mr. Thanu Pillai's question it is a matter for argument. It is not an answer to be elicited by a question.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : I wanted to know what difference it substantially makes and what advantage there is in that.

DEPUTY PRESIDENT : Now, the discussion may go on.

MR. M. K. JANARDANA KAMATH (*Commerce and Industry, North*) : The object of the resolution is I think evidently to prevent the diversion of allotments made for the P. W. D. and to see that the allotments made in the budget for a definite purpose are utilised for that particular purpose only. We know that it is often after a good deal of discussion in this House and after the House is convinced of the necessity of any particular work that an allotment is made. If on account of any reason the work is not commenced by the department before the end of the year the amount allotted lapses. In my opinion it is always better to reserve the allotment for the purpose for which it was intended and use it whenever it is possible for the department to carry out the work. To attain this object the creation of a reserve fund is necessary consisting of unspent allotments for any year. If this course is adopted, I think that it will be an inducement to the Public Works Department to carry out the work as early as possible. For these reasons I support the resolution.

MR. K. R. ELENKATH (*Kalkulam I*)) : In seconding the resolution, I wish to stress the need for such a resolution and to offer a few remarks on the Report of the Public Accounts Committee. It is a well-known fact that on account of the general neglect and delay in the acquisition of necessary lands, some important P. W. D. works are left incomplete. It is a pity that some important works whose progress are urgently needed and without the completion of which no use will be served even by the work already executed, are left out for want of sanction in the

[Mr. K. R. Elenkath.]

next year's budget. The resolution of Mr. Velayudhan Pillai serves a wholesome purpose inasmuch as the department can proceed with important works for which money had once been allotted but that are left incomplete even without a new provision being made in the subsequent budget.

The Report in general contains useful information. There is considerable reduction as regards the disparity in the forecast of the budget both in regard to the original demand, the supplementary demands and also in regard to expenditure sanctioned under Section 32 of the Regulation. There was a substantial reduction in the total expenditure authorised during the year as compared with that for the previous year; the amounts being Rs. 2,59,882 only during 1110 against Rs. 5,26,853 during 1109. There are considerable improvements in other directions also as in the supplementary and authorised expenditure.

In regard to one point I cannot but observe that the Government have been very cruel to the poor ryots and that relates to the treatment accorded to the agriculturists who suffer for want of irrigational facilities. In regard to minor irrigation works we have been complaining that sufficient allotments are not being made from year to year, that there is a considerable reduction in the allotment from one year to another and even in the allotment which is made sufficient funds are not being spent and larger and larger amounts are made to lapse year after year. Coming to the year under review out of an allotment of Rs. 2 lakhs for protective irrigation works the amount actually spent was Rs. 1,22,000. The unexpended balance to the extent of Rs. 78,000 has been transferred to the irrigation fund. When the reason was enquired into by the members of the Committee the Chairman said that the works could not be executed as the estimates were not ready and necessary lands were not acquired. These reasons seem to be trivial. The delay was due even according to the reasons advanced by the Chair to the neglect of officers. Necessary protective measures ought to have been adopted by them in time, to prevent loss to cultivators. As a result of the negligence on the part of the officers in this direction the cultivation has been delayed and that has affected the agriculturists to an intense degree. If the department had been alert in doing the required thing at the proper time such hardship and loss could have been avoided.

Another point I wish to bring to the notice of the House is in regard to misappropriation and defalcation. In respect of those offences our Government are meeting out punishments in some cases and letting off some officers concerned in particular cases. When it is a misappropriation of about Rs. 100 or so and sometimes of less amounts by Proverthicars and Accountants such low-paid and subordinate officers are suspended, sometimes dismissed, and in many cases the amounts misappropriated realised from their salaries as it ought to be. In regard to the defalcation in a first grade college, I mean the

Science College, the Government have easily disposed of the matter by saying that the amount has been sanctioned to be written off. In this case the amount of defalcation comes to more than Rs. 10,000. It is very clear from the Report that it is a very huge amount and that it is the largest amount of defalcation reported in it. The Government ought to have taken this House and the Committee into its confidence by giving the reasons for writing off this amount, as to who was responsible for this amount being misappropriated, and as to how there was no other means to dispose it of other than by writing it off.

DEPUTY PRESIDENT: Was that written off during the current year?

MR. K. R. ELENKATH (*Kalkulam I*): It is stated in the year's Report under discussion that the amount has been sanctioned to be written off when pointing out the action taken on the previous year's defalcations. It may be that the Government might have enquired into the matter and found it quite appropriate to write it off. But what I ask is, why not the members of this Assembly be informed of the particular reason or reasons for the amount being written off, especially in view of the fact that this is the biggest amount that we come across in misappropriation in this Report and in recent years. To me it appears that what the Government have done in this matter is highly objectionable and open to serious misgivings and reasonable criticism.

Sir, now, in the matter of doing away with defalcations and misappropriations it seems that the Government, after due deliberations, have found out some means by which they could sufficiently and effectively check it. Some mention of it is made in the Report. It reads thus:—

> "The necessity for devising measures to prevent defalcations as far as possible in future and for discovering them at the earliest stage, was discussed. The Chairman stated that a conference was held at Bhaktivilas for the above purpose and that the proposals of the conference had been taken note of by the Government".

Is it not up to the House and to the Public Accounts Committee who were helping the Government by their advice and deliberations to get informations about the deliberations that took place at Bhaktivilas and the decisions arrived at?

DEPUTY PRESIDENT: Is it the member's opinion that with regard to every action taken by Government a full report should be supplied to the House?

MR. K. R. ELENKATH (*Kalkulam I*): My point is that before a decision was arrived at at the Conference held at Bhaktivilas, it was up to and proper for the Government to take into confidence the Public Accounts Committee which has discussed the same question before and which is to help the Government in such matters and try to get their advice in regard to the matter.

Sir when we discuss the report of the Public Accounts Committee of an year we generally go back to the report of the Committee for the previous year or years, and see what action was taken by Government

[Mr. K. R. Elenkath,]

on the recommendations made by the Committee or Committees, that sat in those years. I refer especially to the Committee of 1108 of which I had the privilege to be a member and which I distinctly remember had made recommendations regarding many of which the Government have taken no adequate action and have easily disposed of saying that they do not find their way to accept them at present. The only recommendation they have accepted is that with regard to initial appointments in grades other than the lowest to which the Committee recommended should be made only after obtaining the previous sanction of the Government. All the other recommendations such as the separation of the customs from the excise or entrusting an Assistant Excise Commissioner with the charge of customs throughout the State have all been disposed of saying that the Government do not at present feel the necessity to deal with them. They did not care to give the reasons for not giving effect to the recommendations. My point is that it is the duty of the Government to inform the next Committee as to what steps in regard to each of the recommendations made by the previous Committee have been taken. Only if such a procedure is adopted will there be progressive and useful working of the Committee made possible and any purpose served. With these few remarks I support the proposition before the House and request the Government to take into account the few observations that I have made.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): I have been a member of the Public Accounts Committee the report of which is under consideration, (*louder please*) and I am glad to inform the House that the official members have spared no pains to furnish us with all available information, and when satisfactory answers were wanting, strong assurances of better control and care in future were unhesitatingly given to us. The Public Accounts Committee has the privilege of conducting a post mortem examination of the total expenditure side of the Government revenue in a particular year, but, Sir, the practical utility of this Committee has been whittled down by the Government because most of the recommendations made by the Committee are seldom put into practice. On a perusal of the recommendations made by the Committee it will be found that the strongest objections were raised against the authorisation of grants made by Government under Section 32, obtaining unnecessary supplementary grants, and making innumerable transfers, surrenders and lapses by departmental heads.

DEPUTY PRESIDENT: I must call your attention to one point. A supplementary grant when once made by the House shows that it is not unnecessary. The member's point is that supplementary grants are asked for under certain circumstances. I want to make it clear.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): By unnecessary supplementary grants I mean supplementary grants demanded by departmental heads and sanctioned by this House but were found unnecessary later on and were not spent accordingly. A statement of such unnecessary supplementary grants

asked for and not spent is given in the Report. It is regrettable to note, Sir, that the Government despite the aversion expressed by this House and also the assurance given by the Dewan-Chairman, has been invoking Section 32 to meet expenditure which was not emergent or necessary. As to the supplementary grants, the less said the better. They were uniformly demanded when the actual expenditure was shorter than the original allotment. This is but a clear indication that our Finance Department is not able to forecast correctly the needs of the several departments of the State. A painful consequence of this sort of budgeting is that the legitimate activities of some of the important and useful departments are being curtailed to find funds for the extravagant expenditure of other departments. This practice should not be allowed. I submit therefore, Sir, that the recommendations made by the various Committees must be accepted and, as far as possible, put into practice without delay and thereby enhance the utility of the Public Accounts Committee.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): The resolution before the House raises a very important point with regard to the policy to be followed in the preparation of the budget. The necessity for such a resolution arises out of the fact that invariably every year we see several allotments under different budget heads lapse. The reason advanced by the Government members, especially in the case of the P. W. D., are chiefly that the estimate is not prepared or if the estimate is prepared it is not sanctioned by the Government and so on. These are the two reasons advanced by the P. W. D. in justification to meet the questions put to the Chief Engineer. According to the wording of the resolution if any allotment lapses it is to be reserved as a separate fund. Whether it is possible or not and whether it is in accordance with the accepted canons of budget making to have a separate fund is a question to be left to the Financial Secretary. To meet this contingency I am making two suggestions. Government should deal severely with the officers responsible for the lapse of funds. Unless for sufficient reasons, if it is due to negligence, the officers should be severely dealt with. No pains should be spared in punishing them. Secondly, if any allotment lapses then during the framing of the next budget that allotment should find the first place under that particular heading. It should be an accepted principle and must be strictly adhered to. In that case there is no necessity for creating a separate fund. If the Financial Secretary can assure the House that hereafter this principle will be adhered to, I do not think there is any necessity to support the resolution before the House. I shall therefore reserve my vote till I hear the Financial Secretary on that point.

From the various interpellations put before this House it will be seen that the question of Minor Irrigation has engaged the attention of the representatives of the people. It is a very serious matter affecting the whole of Travancore. It is rather pitiful that the Minor Irrigation Department is not functioning properly. From the budget it would be clear that every year a fair amount is set apart under that head, but

[Mr. K. M. Kuriakose.]

very little work is done. I can not attribute this entirely to the negligence of the officers. It is partly due to the difficulty in complying with the rules and conditions laid down under the Minor Irrigation Regulation. There was a committee appointed to look into this question, as long ago 1930 or so, and they made certain recommendations to effect some changes in the existing rules.

DEPUTY PRESIDENT: These are ideas that could be discussed during the general discussion of the budget.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I shall be very brief. Government have dealt with these questions and sanctioned one or two recommendations leaving aside the rest for further consideration. It is on account of that that this complaint is raised against the Minor Irrigation Department. I think the officers cannot execute their work properly because the Rules and Regulations have been so framed that it is very difficult to comply with them.

In spite of the earnest attention on the part of those officers I find, Sir, they could not execute the work properly because of the Rules and Regulations which have been framed and it was very difficult to comply with all the conditions put down there. I earnestly implore Government members to consider this question very seriously. It is a matter in which the whole public of Travancore are interested and this question should engage the earliest attention of Government. With these observations I resume my seat.

MR. N. E. VARUGHESE (*Tiruvalla I*): Sir, I rise to support the resolution of my honourable friend Mr. T. P. Velayudhan Pillai. I support it from a rural man's point of view. Sir, the inhabitants of towns may not be very anxious to have a resolution like this passed. Their needs are generally attended to and supplied without any difficulty, without even any agitation. The officers residing in big towns will take upon themselves to carry out those works for the sake of their amenities. There is a volume of discontent in the country that the needs of the rural areas are not satisfactorily attended to by the Government. And at the same time the larger portion of the revenue of the State is spent for the needs and amenities of the inhabitants of towns.

DEPUTY PRESIDENT: That is absolutely irrelevant, for the resolution does not make a difference between towns and the country.

MR. N. E. VARUGHESE (*Tiruvalla I*): Sir, I was pointing out that my chief reason for supporting the resolution before the House is, that it is the rural parts that are benefited by this resolution.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the resolution refers to rural matters at all?

DEPUTY PRESIDENT: The resolution is to prevent the unjustifiable transfer of allotments. The resolution has been clearly expressed as such. Therefore Mr. Kunjukrishna Pillai's question is entirely out of order.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, a word of personal explanation. I wanted to know whether anything is stated in the resolution which shows a conflict of interest between town and rural needs as shown by the member. As far as I am able to understand the question was for providing the balance of fund for the next year's use irrespective of the fact that it is served in a rural area or a town area.

DEPUTY PRESIDENT: As the Chair has already asked Mr. Varughese not to consider the point raised by Mr. Kunjukrishna Pillai, there is no necessity for Mr. Kunjukrishna Pillai to ask any question on that.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I have got a......

DEPUTY PRESIDENT: No more personal explanations.

MR. N. E. VARUGHESE (*Tiruvalla I*): Generally these transfers of allotment are made in works connected with the rural areas. For works connected with the needs of towns such transfers are not generally resorted to. Sir, I will explain my position by quoting one instance. As a result of agitation for a long period as to the necessity for a bridge in my taluk, a bridge at Poovanakadavu in the village of Mallapally, administrative sanction was obtained in the year 1932 and an amount of Rs. 10,000 was allotted in the budget for 1933. Only an amount of Rs. 27 was spent from that allotment in that year and the balance of the grant lapsed. Sir, neither in the year 1934 nor in the year 1935 was any sum allotted for the construction of that bridge.

DEPUTY PRESIDENT: Mr. Varughese must understand that in this House generally we speak in Malabar year.

MR. P. C. KURIYAN (*Kottayam I*): Is it the member's view that the actual wants of the people were not looked after?

MR. N. E VARUGHESE (*Tiruvalla I*): Yes.

DEPUTY PRESIDENT: That question is also unnecessary.

MR. N. E VARUGHESE (*Tiruvalla I*): Many interpellations were put in this House in connection with this subject. But the answers from Government were "No funds. Wait till the economic conditions improve."

DEPUTY PRESIDENT: The history of that particular work is not relevant to the further discussion unless the absence of a reserve fund is connected with that.

MR. N. E. VARUGHESE (*Tiruvalla I*): If there had been a reserve fund as is contemplated by the resolution surely neither the Government nor the head of the department could dare to give such answers nor could they try to give preference to another work which is not even sanctioned. Sir, it is highly necessary to maintain the sanctity of administrative sanctions. It is after much consideration Government sanction a particular work and they spent a certain amount on that work After one or two years the department says that there is no fund or that the work is not so very necessary as certain other works. Such an attitude on the part of the Government goes to their discredit. It violates the sanctity of administrative sanctions. Sir, to avoid all these misapprehensions and to maintain the prestiege of Government, it is highly necessary that there should be a fund, a special fund, to carry on the work once started till it is completed. With these words I support the resolution.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : Sir, I have gone through the Report of the Public Accounts Committee. The conclusions that they have reached are somewhat striking. I see an undesirable gap existing between a particular grant and the actual expenditure incurred. This topic engaged the attention of the honourable members of the Committee and they have dealt with that in their Report. Sir, it will be seen from the figures published on page 3 of the Report that there is a very wide gap between the original grant and the final expenditure. As an illustration of this, I may be permitted to refer to the three departments, *viz*., Education, P. W. D. and Medical, Public Health and Sanitation. It will be seen further that for the Education Department there was an original grant of Rs. 4,064,579. Finding that this amount was not quite sufficient for the department Government came forward with a supplementary demand for Rs. 38,644. So, the total sum allotted for the year 1110 for the Education Department comes to Rs. 46,43,223,

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*) : Is the honourable member aware that a supplementary grant has to be moved whenever a new service is to be provided ?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : I am aware of that fact, Sir, and that is the usual explanation given. But my point is this: When there was an original grant, if the department had any definite plan beforehand in the course of the year, there should not have been a demand for a supplementary grant.

MR C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*) : Sir, I am afraid that the honourable member has not answered my question.

DEPUTY PRESIDENT : The honourable member has answered that and he has said that he knows something more.

MR. C. V. CHANDRASEKARAN (*Ag. Director of Public Instruction*) · May I know whether he is aware of the rules ?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) Yes, Sir, I have already answered that question. I am fully aware of the rules and also the explanation given for such state of affairs.

The next department that is very prominent for this characteristic is the P. W. D. Sir, there, we find an original demand of Rs. 86,01,726. Not being satisfied with this...........

MR. K. R. ELENKATH (*Kalkulam I*) : I want to know from the member whether he would justify the position of the Director of Public Instruction if he has spent from the amount allotted.

DEPUTY PRESIDENT : That is not a legitimate matter for a question. Leave him to his argument.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) So far as the Education department is concerned, instead of a supplementary demand we find a saving.

MR. K. R. ELENKATH (*Kalkulam I*) : May I know whether a supplementary grant would not be moved where there is money in any other items in the department ?

DEPUTY PRESIDENT : It is a hypothetical question. I consider that that question need not be answered.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : So, Sir, we find a saving of 18,190 rupees for the P. W. D. and for the Medical Department we find a saving of 53,250 rupees. Especially with regard to departments which exist for meeting the social needs of the popu- ation, namely, Education, Public Works and Sanitation, it is very unsatisfactory to show a saving at the end of the year.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : Is it the honourable member's view then that they should spend the whole amount? Suppose, an estimate was prepared for Rs. 33,000 and when tenders were called for, one was submitted for Rs. 22,000. Does it mean that this contractor, who submitted that tender should be asked "no, our estimate is for Rs. 33,000 and we have to spend the whole amount. So, you must do the job for 33,000"?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : In calling for tenders the department did not do things with sufficient forethought. With regard to the resolution............

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*) : Sir, does the honourable member realise that the saving in the department arises out of the special charges which cannot be anticipated, such as leave to departmental officers?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : I am not concerned with the item under wihch saving is effected. My only point is that generally it is not desirable to show a saving like that. With regard to the resolution moved by my friend Mr. T. P Velayudhan Pillai, the resolutton is already accepted.

DEPUTY PRESIDENT : Does the member support or oppose?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : I support the resolution, Sir.

MR. K. PADMANABHAN (*Chirayinkil I*) : I would like to make some observations in respect of the resolution moved by Mr. Velayudhan Pillai. Though Mr. Velayudhan Pillai's resolution does not specifically refer to rural needs, I take it that when he tabled this resolution, he had rural needs uppermost in his mind. Complaints regarding incomplete works and also rural needs mostly relate to the P. W. D This is evident from the large number of questions which the Chief Engineer is called upon to answer here. Sir, it is with the greatest difficulty that we the representatives of the rural parts bring home to the Government the various dire needs of the rural places. If a particular road has to be constructed in a locality, it is only after repeated demands that Government pay some attention to the matter. After having obtained the sanction for the work we have to cry for the budget allotment. Even if we manage to obtain the budget allotment for the work in a certain year, it so happens that the work is not taken up in the same year itself. If the work is not taken up, the amount which has been allotted for the work lapses. Well, if the work has to be taken up again, we have to move the authorities again by the same circum-

[Mr. K. Padmanabhan.]

locution process. It is for the purpose of saving this trouble that Mr. Velayudhan Pillai has tabled this resolution. I believe that this resolution will be supported by one and all on the non-official side.

Sir, in this connection, as has been referred to by my friend Mr. Varughese, I would also like to bring home to Government certain rural needs of my taluq. But I don't wish to do it now especially in view of the fact that the needs of my taluq are too well known to the Government and the Chief Engineer.

Turning to the report of the Public Accounts Committee, I would just call the attention of the House to one aspect of it, namely the sanctioning of expenditure under Section 32. Sir, Section 32 is intended only for emergent cases. There is no doubt about that. However, there are repeated complaints from the non-official side that the Government often resort to this reserve provision in the Regulation. Sir, the Dewan-President gave a sort of undertaking before the former Committee to the effect that as far as possible the Standing Finance Committee would be consulted before expenditure is incurred under Section 32.

DEPUTY PRESIDENT: I would make one observation. In mentioning the President's name, the honourable member may mention him as the President. The Regulation makes a difference between the Dewan-President and the President.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether in the case of the Public Accounts Committee the term used is not the Chairman?

DEPUTY PRESIDENT: Yes.

MR. K. PADMANABHAN (*Chirayinkil I*): I believe that the Chairman made that undertaking on behalf of Government. Well, in this year's report, the Chairman has gone back upon the original undertaking and he says in an evasive way that Section 32 has been resorted to only in very emergent cases.

Sir, I ask what is the harm in summoning the Finance Committee and consulting it. After all, that Committee consists only of a few members and even in urgent matters, it is convenient to consult the Committee.

MR. P. C. KURIYAN (*Kottayam I*): I oppose the resolution moved by my friend Mr. T. P. Velayudhan Pillai. Budgeting, as I understand it, is an estimate of the income and expenditure for the year under contemplation and not for all time as the resolution moved by the honourable friend would suggest. We should have the liberty to review every year our plans and adjust our finances accordingly. If there is any amount ear marked for any work in any year as unspent, it can as well be included in the next year's budget if the urgency of the works so requires.

Then I ask one question why this partiality for the P. W. D. alone. If a fund as the one my friend suggests is to be created, we will have to create educational, agricultural and medical funds. So, the budget thus prepared will be a budget for years to come and not a budget for the coming year.

Then again, another honourable member was referring to the difficulty the members of the Legislature were feeling in the matter of demands being granted and administrative sanction being obtained for particular works. I fear they are not the normal duties of the members of legislature. Representatives of the people might at best draw the attention of the Government to the need for particular works, and I fear by going beyond that they are abusing their privileges. Moreover this House has once turned down the principles of this resolution by not granting the demand moved by the Chief Engineer for preparing a priority list of the roads, canals and bridges to be constructed in the State. With these words I oppose the resolution.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Sir, I wish to make some general observations on the Report of the Public Accounts Committee on the Audit and Appropriation Report of 1110. The main functions of the Committee are laid down in the Audit and Appropriation Report. They are to examine the Report and to bring to the notice of the Legislature any irregularities that may be found in regard to the appropriation of grants and also misappropriations and defalcations and other irregularities that may be found out in the Audit Report.

Sir, I take it that it is as a result of the work of the Public Accounts Committee during the last few years and as a result of the control exercised by them in regard to the appropriation of grants, that a closer approximation of the total expenditure to the total grant has been attained during 1110 than during 1109. While during 1109 the divergence between grant and expenditure was Rs. 10·83 lakhs it is only Rs 1·50 lakhs in 1110.

This is a very gratifying result.

In regard to the total expenditure under voted grants, I find from page 37 of the Audit and Appropriation Report that while the total final grant is only Rs. 42 lakhs, the total expenditure is Rs. 43·5 lakhs. There is an excess of approximately Rs. 1·5 lakhs over the total final grant of Rs. 42 lakhs. Sir, the total final grant is composed of three items, namely, the original grant made by this House at the Budget Session, the supplementary grants also sanctioned by this House, and the grants sanctioned by the Government under Section 32 of Regulation II of 1108. Adding together the grants under these three items, for the year to which this Report relates, we get only Rs. 42 lakhs, whereas the total expenditure comes to Rs. 43·5 lakhs. I fail to see how the excess expenditure of Rs. 1·5 lakhs can be accounted for I am at a loss to know under what authority such extra expenditure was incurred or spent So far, I have not been able to get an explanation for that from the Report of the Public Accounts Committee or from the Audit and Appropriation Report or from the Government. I would like to have an explanation from the Government Benches in regard to this excess expenditure of Rs. 1·5 lakhs.

Coming to the audit side of the report, I wish to make one or two suggestions. The Audit Report discloses a number of defalcations and isappropriations and some other irregularities. These defalcations and

[Mr. S. Chattanatha Karayalar.]

misappropriations occur mostly in the Land Revenue Department. In the previous years' report also several instances of such defalcations and misappropriations were given. The common features of these defalcations are wrong totalling of the figures by the Proverthikars or the Accountants, crediting in the Government accounts amounts smaller than those actually received, leaving the duplicates blank or tearing away the originals and keeping only the counterfoils with wrong entries. A glaring instance is afforded by item No. 11 in which during the Jamabandi inspection, an Assistant Peishkar discovered that for a very long time a Proverthikar had been misappropriating Government money by not crediting in the accounts amounts for which he had granted receipts. The total amount misappropriated by him comes to Rs. 400 and odd. There is also another glaring instance in item No. 16. An Accountant misappropriated a sum of Rs. 16-3-2 by not crediting in the accounts amounts collected by him, leaving blank the counterfoil of the tax receipt book and tearing off the original.

It is regrettable that, in spite of the checks imposed by the Government audit and the punishments meted out, these defalcations and misappropriations continue to be committed. I therefore suggest, in all seriousness, that the punishments meted out to the delinquents are not sufficiently deterrent. Sir, suspension for a short period which is the punishment in most cases is not likely to produce a deterrent effect. It is the duty of the Government to evolve a scheme for the effective prevention of such malpractices and defalcations of public money. This is a very serious matter requiring the earnest attention of the Government.

As regards the resolution moved by Mr. T. P. Velayudhan Pillai, I am opposed to it on principle. It goes against the fundamental principle of budgeting. There is also another reason behind my opposition. During the discussion of the Demand for the Public Works Department at the Budget Session, a cut motion, designed to accept the principle involved in this resolution, was brought forward; and that was thrown out by this House. This House will therefore stultify itself, if it should accept this resolution. I therefore oppose the resolution.

MR. S. J. NAIR (*Nedumangad*): Sir, I wish to make a few observations on what I would call the workings of three P's., in the State, *viz.*, the Public Works Department, the Protective Irrigation, and the Protector of Depressed Classes. (*Laughter*).

With regard to the first P, *viz.*, the P. W. D., the needs of the mofussil population in the matter of opening new roads are not being attended to properly.

DEPUTY PRESIDENT: You are on the verge of irrelevancy, Mr. S. J. Nair. (*Laughter*).

MR. S. J. NAIR (*Nedumangad*): The Audit and Appropriation Report discloses the fact that there has been an increase under P. W. D. tolls. In spite of such an increase, the roads are not being properly maintained.

DEPUTY PRESIDENT: What has all this to do with the Audit and Appropriation Report? These are topics for budget discussion. Please make them relevant. I would then have no objection.

MR. S. J. NAIR (*Nedumangad*): At page 13 of the Audit and Appropriation Report, we find that there has been an increase of about Rs. 1½ lakhs under receipts from P. W. D. tolls due to keen competition at the auctions of these toll gates. Within the Nedumangad Taluk itself, two separate P. W. D. toll gates have been established so that even for going from one part of the taluk to another every vehicle has to pay two P. W. D. tolls. For example, take.........

DEPUTY PRESIDENT: Unless I look upon relevancy with a magnifying glass, I do not think you would be relevant in the observations that you are making.

MR. S. J. NAIR (*Nedumangad*): Let us take as an example the Vempayam-Nedumangad road. Before a vehicle runs for twelve miles, along this road, it will have to pay two tolls.

DEPUTY PRESIDENT: Please drop such instances and proceed with your argument.

MR. S. J. NAIR (*Nedumangad*): Yes, Sir.

A word in support of the resolution moved by Mr. T. P. Velayudhan Pillai. I know, Sir, that continuously for a period of eight years, representations were made to this House and to the Government for the conversion of Kallara-Aruvipuram trace into a road. Memorials after memorials were submitted. The representative of the people of Nedumangad put interpellation after interpellation urging the need and necessity of converting the Kallara-Aruvipuram trace into a road. (*Laughter.*) Last year, there was a provision of Rs. 1,000 in the budget for that purpose; but not a pie was spent. This year also there is a similar allotment in the Budget.

DEPUTY PRESIDENT: That reference to the trace would be quite relevant if the member is in a position to inform the House that the road was sanctioned and yet nothing was done.

MR. S. J. NAIR (*Nedumangad*): There was an allotment in the budget for converting the trace into a road. (Mr. G. B. E. Truscott: *Question.*) I challenge the Chief Engineer. If he will kindly go through the pages of the budget, it will be evident that there was an allotment of Rs. 1,000 for this purpose.

DEPUTY PRESIDENT: The best evidence will be the budget itself. Has the member got it?

MR. S. J. NAIR (*Nedumangad*): Sir, copies of the budget have been circulated to all the members of this House, including the Chief Engineer. It must be in the possession of the honourable member also. If he will kindly refer to the budget, he will find that his statement—he challenged me—is wrong and the statement made by the honourable member for Nedumangad is correct. (*Laughter.*)

[Mr. S. J. Nair.]

Sir, not a pie out of the one thousand rupees allotted for the conversion of the Kallara-Aruvipuram trace into a cart-road was spent last year. If the amount had been set apart as a reserve fund, it would now have amounted to Rs. 2,000. (*Laughter*). I therefore heartily support the resolution moved by Mr. T. P. Velayudhan Pillai.

In regard to the second P, Protective Irrigation, for instance, it is stated at page 21 of the Audit and Appropriation Report as follows:—

> "The allotment provided for works and maintenance excluding the allotment transferred from Irrigation Fund was Rs. 2 lakhs. The actual expenditure incurred during the year amounted only to Rs. 1·22 lakhs. The unexpended balance of Rs. ·78 of a lakh was therefore transferred to Irrigation Fund under Debt Heads."

Sir, what is the fun and meaning in not expending the fund properly and transferring it. If we scrutinize the question of spending, it would be evident that it was purely towards the salary of officers in the Irrigation Department and not for the purpose of any original work, or for the improvement and advancement of the existing Irrigation works. This department, Sir, is being run as a matter of show.

In regard to the 3rd P, namely the working of the "Protector of Depressed Classes" a sad tale has to be told. Out of Rs. 10,000 provided for in the budget for the amelioration of the depressed classes only a sum of Rs. 4,115 was spent during the year and that perhaps purely for the salary of the Protector, in order to protect himself.

What I submit is that this department also is being run as a matter of show.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): Sir, I heartily support the resolution of Mr. Velayudhan Pillai. With regard to the Report under discussion, I am glad to say at the very outset that it discloses a better state of affairs than the Report we had the privilege of considering last year. Sir, it is gratifying to note that the Governments now seem to have begun to give some weight to the views of the non-official members of the Committee. For instance we see that there has been an appreciable increase under savings of grants this year. That shows that there is noticeable improvement in the forecasts as compared with last year. I submit that there is still much scope for improvement, and better results can certainly be achieved if stringent instructions are issued to departmental heads. Those officers who make reckless requests for additional grants should not be allowed to do so and they should be clearly told that they would be doing so on pain of certain punishment. Sir, I have a word to say in respect of the exercise of Section 32. Mr. Kunjukrishna Pillai, one of the members of the Public Accounts Committee, seems to have suggested in the Committee that before any amount is sanctioned under Section 32 the members of the Finance Committee may be consulted. The Chair condescended to make a compromise by agreeing that in future a list of the items sanctioned under Section 32 would be placed before the Finance Committee.

I ask in all humility what earthly benefit we are going to derive by such a procedure. In this connection I may be permitted to place the following passage in the Report before the House:—

> "Under the rules, of course, the Finance Committee need not be consulted. It would also not be practicable or necessary to summon the Committee merely for the purpose of consulting it about these cases. It was therefore decided to continue the present practice of consulting it whenever possible".

Sir, I am sure honourable members on this side of the House will take strong exception to the statement that such consultation is *not necessary*. As regards the statement that it is *not practicable* I ask how can it be said that it is not practicable. The Finance Committee can be summoned at two days' notice, Sir, wherever the members may be stationed. In these days when locomotion is so easy and rapid there can be no force in saying that it is not practicable to summon the Finance Committee. Mr. Kunjukrishna Pillai seems also to have urged the point that it is a rule which is obtaining in other Legislatures in British India as well to which the Chairman expressed the view that it is not so. If such a practice is not being followed in other Legislatures I ask what is there to prevent us from giving a lead and going ahead of them. Have we not in other matters of far-reaching consequences very recently gone far in advance of them? I ask what is the harm and where is the difficulty in consulting the Finance Committee even when there is necessity for action under Section 32.

In regard to defalcations I have to say that there has been no improvement this year also. Last year the Land Revenue Commissioner stated in the Public Accounts Committee that he had some new scheme in hand to prevent defalcations in respect of his department. The present report does not disclose any such idea or scheme under the contemplation of Government. With these observations I support the resolution.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I wish to offer a few remarks on the resolution before the House as well as on the report of the Public Accounts Committee. Sir, it has been stated that expenditure might become necessary in emergent cases under Section 32. In every Legislature there is such a provision for expenditure. That is granted. I understand that there is a practice existing in British India that ordinarily except in very exceptional cases Government would take care to consult the Finance Committee before they incur an expenditure under Section 32, although they have obviously got the power to incur expenditure without consulting the Finance Committee or anybody else. Technically that is so. So I suggested to the Chair that whenever possible they must by way of courtesy at least consult the Finance Committee and satisfy them about the emergent nature of the expenditure which made them invoke the aid of Section 32. The President said that that might not always be possible. He said that such items of expenditure as might have to be met by the application of Section 32 will be placed before the Finance Committee in the form of a statement. My friend Mr. Krishna Pillai asked what use there can be of such a procedure. I also thought at first when this suggestion was made that

[Mr. K. Kunjukrishna Pillai.]

there is no practical use of such a procedure. On further consideration, however, I thought that there is some little use of such a concession. The statement laid on the table of the House does not give us an opportunity of discussing the items of expenditure whereas when the statement is presented to the representatives of the Assembly and the Council in the Finance Committee, the members of that committee get an opportunity of expressing their opinions to the head of the administration straight, 'such and such expenditure is not an emergent matter and you have done wrong in authorising the same'. Though the expenditure cannot be rectified, the fact remains that the criticism will form a check in a way to further expenditure under Section 32. I thought that something was better than nothing and I accepted the proposal of the Dewan as the best under the circumstances.

Sir, another point was raised, that is about the excess expenditure on various departments. I can very well realise that it is not possible to approximate to such an extent as to make the budget demand and the actual expenditure identical. But such disparity in expenditure and estimate should not be allowed. The savings effected from the original budget demand may not be transferred from one demand to another or from one minor head to another. Encouragement seems to have been given by Government to the other procedure. I do not think that departmental heads bring forward supplementary demands as a sort of financial subterfuge or short cut. Those who do so come with an honest motion before the House. We must accept that view because the House gets an opportunity of expressing its opinion on the supplementary demand. But if you say that the departmental heads must meet new expenditure from savings under the original demand I think they will only be too glad to do so as they need not undergo the ordeal of a supplementary demand being granted by the House after discussion. Sir, this House by asking for such a procedure will be unwittingly surrendering its power of financial control. I will not therefore deprecate the practice of moving for supplementary demands. On the other hand I will certainly find fault for over-estimating. That is a legitimate criticism which we can level against departmental heads. That is the way of controlling expenditure under various departments.

Sir, I wish to add only one word with regard to the work of the Public Accounts Committee. The control by the Public Accounts Committee can become real and effective only when we are able to have an independent audit officer for the State to present to us in all detail and impartially the expenditure incurred by the various departments including the Account Office. Sir, without that it is not possible to exercise an effective control over the expenditure of Government.

I can very well sympathise with the resolution of Mr. Velayudhan Pillai, though I cannot agree with the principle contained in the motion. Sir, we find that various items of expenditure have been incurred for incomplete roads which serve no purpose. The money spent on which has served no one and the roads themselves are lying idle.

Year by year allotments are made, but no expenditure is incurred and the work is not completed and nobody is benefited. I am afraid that the device suggested by my friend will not be able to cope with the situation. Unless Government make a comprehensive scheme for the completion of incomplete roads and provides money for them, it cannot be realised. My one criticism against the resolution is that it is ineffective to achieve the object which the honourable member has in view. Moreover, as my friend Mr. Chattanatha Karayalar pointed out, I am also opposed to the resolution because it is opposed to all principles of budgeting. If the Government are precluded from making any allotment taking into account the unspent balance remaining, new, important works which may become necessary will not be supplied with funds.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know whether the member is aware of such a course in the Minor Irrigation Department ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Yes. That is exactly the reason why I do not approve of it The minor irrigation fund accumulates there and the work is not progressing. Consequently nobody is benefited. Therefore, what is the use of that fund ? We have a small portion of the Government finances accumulated and remaining unspent to the benefit of none. Sir, I appreciate the real difficulty which prompted my friend to bring forward this resolution. Only if Government make up their mind to tackle this question of pushing forward the incomplete works under a comprehensive scheme where the works to be completed are to be well arranged in the order of urgency, the solution aimed at can be attained. None of these short cuts will be able to effect the object that is in view. With these words I oppose the resolution,

MR. S. NILAKANTA PILLAI (*Chirayinkil II*) : I wish to offer a few words in this connection. At page 20 of the Audit and Appropriation Report it is said thus :—

> " The savings under the head of Rs.48 of a lakh were mainly under salaries of the Provincial staff of teachers of English Schools and under Vernacular School education. The savings under the latter were due to the decrease in the number of departmental Vernacular schools as a result of the abolition of certain overlapping schools, amalgamation of some Boys' and Girls' Schools and the closure of a few schools the buildings of which were in a dangerous condition. "

There are a large number of schools that are housed in rented and dilapidated buildings. If a member of the House puts a question to the official member for improving the condition of buildings, the reply is that the matter is under correspondence or that the matter is under consideration or that the necessary lands are being acquired and so forth. Such excuses are commonly put forward by the official benches. This morning, to an interpellation of mine regarding the Nagaroor Primary School the answer was that the construction of the building can be proceeded with by the P. W. D. when funds become available. In this connection I ask, whether the Director of Public Instruction cannot divert these amounts for the construction, maintenance and repair of the Vernacular School buildings.

DEPUTY PRESIDENT: What has that to do with the resolution ?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): It has every relation to the questions under consideration.

DEPUTY PRESIDENT: Is it not plain to me also ?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): Then Sir, what I submit is that such appropriation of amounts is misappropriation itself. Funds are required for the acquisition of lands for putting up vernacular school buildings ; funds are not available for the proper maintenance of vernacular schools. When this is the condition, is it proper, Sir, to appropriate the funds allotted for vernacular education ? I am constrained to observe that the Government and the Director of Public Instruction are taking a step-motherly attitude in the matter of vernacular education.

DEPUTY PRESIDENT: All that has nothing to do with the resolution before the House.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): The sum allotted for expenses in connection with primary education and construction of school buildings ought not to have been diverted towards the payment of teachers.

DEPUTY PRESIDENT: Notwithstanding the explanation, I consider that to be quite irrelevant.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): I am sorry, Sir, that the Chair does not see the relevancy of my discussion. With these words, Sir, I support the resolution.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I also support the resolution. Since the time is very limited I have only to make one observation. In regard to the Audit and Appropriation Report, I must say that it is quite unsatisfactory. For the Quilon-Trivandrum railway we have invested Rs. 56 lakhs and for the Quilon-Shencotta railway, we have guaranteed a certain minimum percentage of interest. With regard to the audit of the same, there is absolutely no reference in the report. It might be said that the Travancore Government do not audit the accounts. But we get the accounts audited by the Government of India. Why not the Travancore Government incorporate the same in this report so that, we all might know how those accounts stand ? This is a matter in which the interests of Travancore are very large.

With regard to the new services my point is this. In the Public Accounts Committee Report I find that Mr. Kunjukrishna Pillai has raised a point that the opening of survey class and the printing of wall maps do not come under the heading "new services." It also appears that the Committee has by a majority passed that they are "new services." A wrong decision even by a Public Accounts Committee should not be accepted by this House. I am of opinion that these can never be considered as "new services." We cannot say that since these items are not included in the general budget they are new services. New services are those that could not have been contemplated at the time of the general budget.

DEPUTY PRESIDENT: Is there any statutory interpretation like that?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): There is no such definition. But Rule 77 says—

"An estimate shall be presented to the Assembly and the Council for a supplementary or additional grant when a need arises during the current year for expenditure for which the vote of the Legislature is necessary upon some new service not contemplated in the budget for that year."

DEPUTY PRESIDENT: But "service" is not defined.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Whatever that be, my submission is that these cannot be considered as "new services" on the ground that they are new items of expenditure.

Then with regard to excess expenditure, Mr. Karayalar drew the attention of the House that the excess expenditure of Rs. 49,000 could on no account be justified. I fully agree with him and I expect a satisfactory explanation from the Financial Secretary on this point. I have one more point to say and I shall not take up more than a inute.

DEPUTY PRESIDENT: The difficulty arises in this way. The honourable members desire to speak at the close of the debate. We have just five minutes more for the official member and the mover to speak in reply. Therefore Mr. Asan will understand the circumstances under which I am unable to give him more time.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I may explain, Sir.

DEPUTY PRESIDENT: No. The official member will now speak.

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): Sir, as I have only a few minutes at my disposal, I shall briefly deal with the points brought forward by various speakers. What the resolution says is this:

"In order to prevent the unjustifiable transfer of allotments as stated in paragraph 14 of the Report....."

The resolution refers thus merely to Protective Irrigation Works. In regard to Protective Irrigation, there is already a reserve fund for irrigation purposes. We are allotting Rs. 2 lakhs each year to that fund. The amount in that reserve outstanding at the end of 1110 is about Rs. 6 lakhs. The mere fact of setting up a separate reserve fund, has not been successful in achieving the object aimed at by the mover. Mr. Kunjukrishna Pillai referred to that matter and I agree with him. The object in view cannot be achieved by the multiplication of funds like this

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Is it not due to the fact that adequate work has not been turned out by the Irrigation department?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): May be. But the public have not suffered on account of the lack of setting up of such reserve funds. There is already a reserve fund for irrigation and the object has not been achieved.

MR. A. THANU PILLAI (*Trivandrum-Rural*): The fact that that fund has not been of real use-may I know whether it is not due to the inefficiency of the department or Government—whatever that be?

DEPUTY PRESIDENT: The Financial Secretary need not answer that.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Does not the member know that the Chair has got the discretion to give more time?

DEPUTY PRESIDENT: That question is absolutely irrelevant. The member is presumed to know the rules.

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): Then we have a road fund. There is a sum of Rs. 1,12,000 built up out of the contributions by the Government of India from the petrol duty. Therefore we have already two funds. The resolution now urges Government to create a third fund. Let us see what are the facts in the case. I see on a close examination of the figures, there is nothing to carry forward.

DEPUTY PRESIDENT: May I know whether the Financial Secretary opposes or supports the resolution?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): I oppose the resolution. The expenditure under P. W. D. for the years 1107, 1108, 1109 and 1110 are Rs. 26 lakhs, Rs. 28·58 lakhs, Rs. 34·43 lakhs and 29·65 lakhs respectively. So then there is nothing to carry forward even if we accept the resolution.

MR. A. THANU PILLAI (*Trivandrum-Rural*): In regard to excess expenditure, may I know whether that expenditure was incurred by the head of the department with Government sanction or not?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): Such expenditure was incurred with the Government sanction. There is no provision in the statute in regard to the sanction necessary for such expenditure.

DEPUTY PRESIDENT: Do you press your motion, Mr. T. P Velayudhan Pillai?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Yes, Sir.

The resolution was put to vote and lost.

DEPUTY PRESIDENT: The House will now adjourn to meet again to-morrow at 11'o Clock.

The House adjourned at 5-1 P. M.

P. PARAMESVARAN PILLAI,

Secretary to the Sri Mulam Assembly.

PROCEEDINGS
of
THE TRAVANCORE SRI MULAM ASSEMBLY.

(*OFFICIAL REPORT.*)

FIRST ASSEMBLY.

NINTH SESSION.

Thursday, the 26th November 1936/11th Vrischikam 1112.

The Assembly met again in the Victoria Jubilee Town Hall at Eleven of the Clock, with the President in the Chair.

NEW MEMBERS SWORN IN.

The following Members took the oath and then signed the Rolls:—
1. Mr. K. George.
2. Mr. N. Velu Achary.

QUESTIONS AND ANSWERS.

Grant-in-aid Allopathic Dispensaries.

173. * **MR. K. A. NARAYANA PILLAI** (*Todupuzha* cum *Devicolam*): Will the Government be pleased to state:

(*a*) whether they intend giving grant-in-aid to private allopathic dispensaries;

(*b*) whether any such dispensaries are getting grant-in-aid now, if so, the names of the doctors or dispensaries and the places where they are located; and

(*c*) what are the rules for giving grant-in-aid?

MR. JAMES SIMPSON (*Darbar Physician*): (*a*) There is no such intention at present.

(*b*) Reference may be made to page 381 of the Almanac and Directory (Travancore) for 1936, for a list of the medical institutions which are in receipt of Government grant.

(*c*) *A copy of the rules on the matter is appended.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether with regard to institutions which get grant from Government, Government have got any control over fixing the price of the medicine?

MR. JAMES SIMPSON (*Darbar Physician*): There is no control over fixing the price of the medicine which they get from well-to-do patients.

* *Vide* Appendix I. pages. 625 to 628.

G. P. T. 1899—350.

Issue of Health Certificate.

174. *MR. S. J. NAIR (*Nedumangad*): Will the Government be pleased to state:

(*a*) whether there is an idea of appointing any medical officer to issue health certificates to candidates selected by the Public Service Commisioner for appointments;

(*b*) who the medical officer is who has been nominated or recommended for the purpose;

(*c*) who nominated or recommended the medical officer; and

(*d*) the basis under which the said nomination or recommendation was made?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) In cases falling within Rules 38 (4) and 46 of the Public Service Recruitment Rules, medical officers have been appointed to report to the Public Service Commissioner as to the health of candidates for recruitment. In other cases Rule 12 leaves to the discretion of the appointing authorities the mode in which they ascertain the health of candidates recruited.

(*b*) The medical officers are doctors, not being below the rank of Deputy Surgeon, in charge of, or deputed by the medical officer in charge of the General Hospital, Trivandrum, and each District Hospital in the State.

(*c*) & (*d*) In view of the answer to part (*b*) above, these do not arise.

MR. S. J. NAIR (*Nedumangad*): May I know how many medical officers have been appointed for examining the candidates for recruitment?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The Public Service Commissioner will indent upon the services of as many medical officers as are necessary to examine the candidates. There is no fixed number.

MR. S. J. NAIR (*Nedumangad*): May I know how the medical officers are to be selected?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Sir, it is stated in the answer-

> "The medical officers are doctors, not being below the rank of Deputy Surgeon in charge of, or deputed by the medical officer in charge of the General Hospital, Trivandrum, and each District Hospital in the State."

MR. S. J. NAIR (*Nedumangad*): Are the candidates levied any fees for the examination?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir.

MR. S. J. NAIR (*Nedumangad*): Are the medical officers given any special allowance for the purpose?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir.

Communal rotation for recruitment to Public Service.

175. *MR. S. J. NAIR (*Nedumangad*) : Will the Government be pleased to state :

(*a*) how the order of communal rotation in the matter of appointments in the Intermediate and Lower Divisions has been arrived at ;

(*b*) who fixed the communal rotation ; and

(*c*) for how many years to come the existing communal rotation would last ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : (*a*) There is no communal rotation for recruitments to the Intermediate Division. The communal rotation for recruitments to the Lower Division was decided after due consideration of all the relevant materials.

(*b*) Government.

(*c*) By G. O. R Dis. No. 893/Genl., dated 25th June 1,935 paragraph 20, Government have ordered that the new system of recruitment will be worked for three years tentatively at the end of which the position will be reviewed by Government in the light of the conditions then existing.

MR. S. J. NAIR (*Nedumangad*) : In the answer to part (*a*) of the question it is stated "There is no communal rotation for recruitments to the Intermediate Division". May I know out of the 55 vacancies how many Nairs are selected in the Intermediate Division ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : Recruitment to the Intermediate Division is on the following lines:—60 per cent of the appointments are given to the best candidates and the remaining 40 per cent to members of the inadequately represented communities on the results of the selection test combined with preference.

MR. S. J. NAIR (*Nedumangad*) : May I know whether that preference alluded to by the member is made on communal representation or not ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : Preference is determined by the inadequacy of representation in Government service.

MR. S. J. NAIR (*Nedumangad*) : With reference to the answer to part (*c*) of the question may I know how the communal rotation has been arrived at withr egard to the Lower Division ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : It is explained in the G. O. on recruitment.

MR. S. J. NAIR (*Nedumangad*) : May I know how the principle of rotation has been arrived at by the Government ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : Government considered all aspects of the question and fixed the basis of communal rotation in recruitment to the Lower Division.

Recruitment to the Public Service.

176. *MR. A. S. DAMODARAN ASAN (*Mavelikara*): Will the Government be pleased to state:

(*a*) the number of candidates that appeared for the examination held recently by the Public Service Commissioner for purposes of recruitment to the public service;

(*b*) the number of vacancies that were to be filled up with the successful candidates in that examination;

(*c*) whether the names and rank of the successful candidates who were to be selected and the names or hall ticket numbers of those who were not selected with the subjects in which they have failed were published; and

(*d*) the principle accepted for the apportionment of the 30 per cent. of the bonus marks for acting service, inadequate representation, etc.?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*), (*b*), and (*c*). This information is contained in the Public Service Department Sheets of the Government Gzzette dated the 13th October 1936 and 20th October 1936.

(*d*) No marks are given for inadequate representation. The principle accepted for the apportionment of the 30 per cent. of the total marks for acting service and other matters stated in Rule 30 (2) of the Public Service Recruitment Rules is also stated there.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): With reference to answer to part (*d*) what are the conditions under which the candidate will be entitled to get the 30 per cent. of the marks?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): 30 per cent of the marks are apportioned to four subjects; (1) acting service, (2) special qualifications, (3) backwardness of the community and (4) result of the interview.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is the 30 per cent equally distributed for the items mentioned?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) No, Sir. These marks are distributed by the Public Service Commissioner in a manner which he deems just.

MR. S. J. NAIR (*Nedumangad*): Sir, the member said that for inadequately represented communities special marks will be given. Now it is said in the answer that "No marks are given for inadequate representation."

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I said "backwardness of the community" and not "inadequacy of representation"

MR. A. THANU PILLAI (*Trivandrum-Rural*): Am I to understand that for the written examination only 70 per cent of the total number of marks are alloted?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes, Sir.

MR. A. THANU PILLAI (*Trivandrum—Rural*): As for the 30 per cent of marks, is it distributed in any proportion for the various matters of representation, acting service and low literacy?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No such rule has been laid down and it is not possible to do so. In some cases an interview may not be necessary in which case 30 per cent of the marks will be distributed among the remaining three items. In some other cases special qualifications may be more important and more marks may have to be allotted to it than to other subjects. It is not therefore possible to lay down any hard and fast rule for the distribution of the 30 per cent. marks.

MR. A. THANU PILLAI (*Trivandrum-Rural*): To take a specific case, suppose there are two candidates one with one year's service and the other with two years' acting service. May I know in their case, how the 30 per cent marks will be distributed?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Gvernment*): 30 per cent of the marks are not intended for acting service alone. If the man with two years' acting service gets a certain number of marks another man with one year's service will get half that number if other things are equal.

Selection Test by the Public Service Commissioner.

177. ***MR. A. THANU PILLAI** (*Trivandrum-Rural*): With reference to the selection test lately conducted by the Public Service Commissioner for the selection of candidates for appointments as clerks on Rs. 20-25, will the Government be pleased to state:

(*a*) how the special marks referred to in paragraph 14 of the G. O. R. Dis. No. 893/Genl., dated 25th June 1935 were allotted for previous approved acting service, etc., mentioned in that paragraph; and

(*b*) will the Government be pleased to lay on the table a community-war statement of the 510 candidates who would have succeeded as a result of the examination held irrespective of the special marks?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) The principle of allotment of marks is stated in Rule 30 (2) (*b*) of the Public Service Recruitment Rules. The actual allotment in each case is confidential.

(*b*) This does not arise in view of the latter part of the answer to (*a*).

Temporary Munsiff's Court at Nedumangad.

178. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) what action they have taken to confirm the Temporary Munsiff's Court at Nedumangad;

(*b*) what is the nature of the report recently submitted by the Special Officer, in respect of the confirmation of the Court;

[Mr. S. J. Nair.]

(c) whether they are aware that the people of the taluk, when they presented addresses to the former Dewans Mr. T. Austin and Nawab Sir M. Habibulla, they have pointed out that the existing jurisdiction of the Court shall not be changed and the Court be confirmed ; and

(d) what objection there is in granting a Munsiff-Magistrate's Court?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (a) The file at present and in the preceding years does not justify the Court being made permanent.

(b) No report has been submitted.

(c) Government have no information.

(d) Past experience has shown that one officer cannot cope with both civil and criminal work.

MR. S. J. NAIR (*Nedumangad*): May I know whether a special officer was appointed some time back with regard to settling the question of the confirmation of courts and the starting of new ones ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): A special officer was appointed but not for these purposes.

MR. S. J. NAIR (*Nedumangad*): May I know whether Mr. P. N. Padmanabha Pillai was not appointed for that purpose ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I said that a special officer was appointed, but not for the specific purposes mentioned by the member.

MR. S. J. NAIR (*Nedumangad*): May I know whether this special officer has gone into this question and submitted a report ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): He examined the various recommendations of the Laws Delays Commissioner and submitted a report to the High Court. It has not yet come to the Government.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Government have directed the High Court to enquire into the question of the confirmation of the Munsiff's Court at Nedumangad ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) The High Court was consulted on several occasions about the confirmation of the Munsiff's Court at Nedumangad. But the High Court always stated that the file in that court did not justify its confirmation.

MR. S. J. NAIR (*Nedumangad*): With reference to answer to part (d) it is stated "past experience has shown that one officer cannot cope with both civil and criminal work". May I know whether Government have considered the feasibility of it in recent times?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): When past experience is that, I do not think that there is any necessity to consider it again.

Minor Irrigation works in Neyyattinkara Taluk.

179. *MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Will the Government be pleased to state:

(*a*) the amount allotted for minor irrigation works during the years 1109, 1110, and 1111 for the Neyyattinkara taluk;

(*b*) the names of the tanks notified in the Government Gazette to be taken up for repair;

(*c*) the estimated amount for each tank; and

(*d*) the amount actually spent?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*):

(*a*) *Year.*	*Amount allotted for the minor irrigation works in Neyyattinkara Taluk.*
1109	Rs 11,660
1110	Rs. 16,518
1111	Rs 11,528

(*b*) to (*d*) A *statement is placed on the table.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): With reference to appendix II may I know why in spite of the fact that the Government have sanctioned the allotments estimated for the works, none of the works is taken up?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Some amount has been spent.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know whether any one of these works has been completed?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I cannot give that information now.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know whether these works are done by the department directly or by contractors?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Usually by contractors.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know whether any action is taken against the contractors for not doing the works properly and in time?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): No action is called for.

MR. S. J. NAIR (*Nedumangad*): With reference to item No. 4 in the appendix, may I know why only 82 rupees was spent when the estimated amount was Rs. 1790?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Probably that was the work that was done at the time of sending up the answer.

Lapsing of P. W. D. allotments for Roads.

180. *MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Will the Government be pleased to state the amount of money lapsed out of the allotment for roads in the P. W. D. budget during the years 1110 and 1111, and the reasons for this, if any?

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* *Vide* Appendix II page 629.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : There was no surrender of grants on roads during 1110 and 1111.

Dredger for Alleppey Port.

181. ***MR. A. S. DAMODARAN ASAN** (*Mavelikara*) : Will the Government be pleased to state :

(*a*) whether the sea-going Grab Dredger ordered last year for Alleppey Port is ready for use ;

(*b*) if the answer to part (a) is in the affirmative, whether the staff for the same has been fixed and appointments made ;

(*c*) whether there are Travancoreans duly qualified for the post of dredging master and if so, their names and qualifications ;

(*d*) if the answer to parts (a) and (b) are in the negative, the reasons for the delay in making the full use of the Dredger purchased at such heavy cost ; and

(*e*) whether the final test of the fitted-up machinery has been conducted and if so the person by whom it was conducted with his special qualifications for the same ?

MR. K. MADHAVA KURUP (*Secretary to Government*) : (*a*) No.

(*b*) and (*c*) These do not arise.

(*d*) The Commercial Canal had to be deepened to take the Dredger to deep water.

(*e*) No.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : With reference to the answer to part (*d*), may I know whether the Commercial Canal has been deepened ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : Yes, Sir, and the dredger has been taken to Cochin for trials.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : With reference to the answer to part (*e*), may I know whether the machinery has been fitted up ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : Yes, it has been fitted up, and the testing is now being carried on by the Workshop Superintendent.

Appointment of District Munsiffs and Judges.

182. * **MR. K. M. KRISHNAN** (*Ambalapuzha II*) : Will the Government be pleased to lay on the table a caste-war statement showing:

(*a*) the appointments of District Munsifts from the time when the communal rotation was first introduced ;

(*b*) the present number of (*i*) District Munsiffs, (*ii*) Second Judges, and (*iii*) District Judges : and

(*c*) the present number of District Judges and Second Judges recruited from the bar in the years 1108, 1109 and 1111 ?

RAO BAHADUR RAJYASEVAINRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : (*a*), (*b*) and (*c*) * Statements marked I, II and III giving, respectively, the required information are laid on the table.

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*Vide Appendix III—pages 630 to 632.

Widening of roads in Trivandrum.

183. *MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Will the Government be pleased to state:

(*a*) whether there is any idea of widening the road from the west Fort *via* Kalpalakadavu up to Shankumukam and the main road from Puthen Cutcherry up to the East Fort and

(*b*) whether there is a proposal to widen the Chalai Bazaar road?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) Yes.

(*b*) Not yet.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): May I know the expenditure for widening the road from the west Fort *via* Kalpalakadavu up to Shunkumukham?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I am afraid, I cannot give that information.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Is the proposal to take lands on either side of the road?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): For the main road to the East Fort Gate, the Central line has been pegged out and the new buildings that will be put up have to be set back a certain distance from that line.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Are there not buildings on the sides of the road now?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Yes.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): May I know whether there are cases where sanction was disallowed for the construction of new buildings?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Yes, they have to give a written undertaking that they will remove the building without any cost to Government when they are called upon to do so.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): With regard to the Kalpalakadavu Road may I know whether there is any proposal to take lands from the southern side?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I cannot give that information now. I can show the plan of the scheme to anyone who is interested.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): With reference to answer to part (*b*) may I know whether there is any proposal to widen the Chalai Bazaar road?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The proposal is at present with the Town Planning Expert and I do not know what he has done and is doing in the matter.

Haripad-Anjilimoottil Kadavu road.

184. *MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): Will the Government be pleased to state:

(*a*) why the sum allotted last year was not spent for the improvement of the Haripad-Anjilimoottil Kadavu road;

(*b*) whether the lands required therefor have been assumed;

(*c*) if not, how far has the assumption proceedings progressed;

(*d*) whether tenders have been called for to carry out the work which may be executed with the money sanctioned this year; and

(*e*) if not, what is the delay due to?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) Full allotment could not be spent due to non-assumption of lands.

(*b*) No.

(*c*) Draft declaration has been received.

(*d*) Yes.

(*e*) This does not arise in view of the answer to part (*d*).

MR. V. RAMAKRISHNA PANICKAR (*Karthikapalli II*): With reference to answer to part (*a*) may I know whether any sum was spent last year?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I believe a certain amount of money was spent last year.

MR. V. RAMAKRISHNA PANICKAR (*Karthikapalli II*): May I know whether the construction of the culverts over poramboke canals could not be attended to last year as was done in the case of Nedumthura Bridge?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I claim notice?

MR. V. RAMAKRISHNA PANICKAR (*Karthikapalli II*); May I know from the member which of the lines from Pandarathumukku, northern or southern has been adopted?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): That has been left to the Chief Engineer to make an inspection when he finds it convenient.

MR. V. RAMAKRISHNA PANICKAR (*Karthikapalli II*): May I know at what stage the contract stands at present?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*). The contract is settled and the contractor is collecting material.

Copyists in the Land Revenue Department

185. *MR. S. J. NAIR (*Nedumangad*): Will the Government be pleased to state:

(*a*) how many Revenue Copyists are there in the State;

(*b*) how many of them there are in the Taluk Offices of Nedumangad and Chirayinkil;

(*c*) the income of the Taluk Offices of Nedumangad and Chirayinkil respectively towards the issue of attested copies of records in 1108, 1109, 1110 and 1111 M. E.;

(*d*) the rate of remuneration per copyist in the above offices in the years 1108, 1109, 1110 and 1111 M. E.; and

(*e*) why the Revenue Copyists are not included in the permanent establishment of the Revenue Department?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

(*a*) 106.

(*b*) 4 in the Taluk Office, Nedumangad and 3 in the Chirayinkil taluk.

	Name of taluk	1108	1109	1110	1111
		Rs. chs. c.	Rs. chs. c.	Rs. chs. c.	Rs. chs. c.
(*c*)	Nedumangad	638-17-0	631-11-0	515-3-8	373-22-8
	Chirayinkil	544-24-8	611- 0-0	554-0-0	439-10-8
(*d*)	Nedumangad	77-13-14	99-21-0	96-26-1	59-2-15
	Chirayinkil	102-0-0	114-0-0	105-0-0	84-0-0

(*e*) The work of the copyists depends on the amount of copying work to be done and this is neither regular nor steady. In such cases payment according to the amount of work turned out is the most appropriate system.

MR. S. J. NAIR (*Nedumangad*): With reference to answer to part (*b*) may I know the salary of a copyist in a Magistrate's Court?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Rs. 15.

MR. S. J. NAIR (*Nedumangad*): May I know whether the copyists were included in the permanent establishment sometime back?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I claim notice.

MR. S. J. NAIR (*Nedumangad*): May I know whether it is not feasible and profitable to Government to include the Revenue Copyists in the permanent establishment and fix their salary?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): No doubt it is feasible but the question of finance stands against that proposition.

MR. S. J. NAIR (*Nedumangad*): May I know whether any special qualification is insisted on for the appointment of permanent copyists?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): No qualification is laid down; but the appointing authorities should see that the persons can do copying work.

MR. S. J. NAIR (*Nedumangad*): May I know whether there is any proposal to include the revenue copyists in the permanent establishment?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I do not know.

Village road from Edava Pakuthi Cutcherry to Kappil Railway Station.

186. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) whether they are aware of the existence of a village road from Edava Pakuthi Cutcherry to the Kappil Railway Station;

(*b*) what is its length;

[Mr. S. J. Nair.]

(c) whether the Government are aware that the road is sandy and it is unfit for vehicular traffic;

(d) whether the people of the locality have petitioned the urgent necessity of improving it and metalling it and making it fit for cart traffic; and

(e) what action has been taken upon the petition or petitions?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (a) Yes.

(b) 6680 ft.

(c) Yes.

(d) Yes.

(e) An estimate has been prepared, but the work is held up for want of funds.

MR. S. J. NAIR (*Nedumangad*): May I know from the member in view of the existence of a Railway Station at Kappil, is it not proper that the road should be maintained in proper condition?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Want of funds do not allow the road to be maintained in any better condition than at present.

MR. S. J. NAIR (*Nedumangad*): May I know what would be the amount required for maintaining 6680 ft. of road?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): First of all the road has to be built.

MR. S. J. NAIR (*Nedumangad*): May I know the approximate amount for building that road?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The approximate amount will be Rs. 24,900.

Markets in Shertala.

187. ***MR. EDAVANATT S. PADMANABHA MENON** (*Shertala I*): Will the Government be pleased to state:

(a) the number of public markets in Shertala;

(b) the number of private markets in Shertala;

(c) whether there was a public market at Aroor and whether it is now closed and, if so, when and the reasons for the same; and

(d) the approximate cost for the site and the building of the Aroor Market incurred by them?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

(a) 4.

(b) 11.

(c) The public market at Aroor has not been closed.

(d) Rs. 284-16-11 for the site and Rs. 3,031-6-15 for the building.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): With reference to answer to part (c) may I know when the Aroor market was opened?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Some years ago.

MR. EDVANATT S. PADMANABHA MENON (*Shertala I*): May I know whether it is a daily market.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I claim notice.

Turavoor Tirumalai Devaswom Road.

188. ***MR. EDAVANATT S. PADMANABHA MENON** (*Shertala I*): Will the Government be pleased to state:

(*a*) whether they have received a representation from the Turavoor Tirumalai Devaswom Committee President that they are prepared to deposit the amount necessary for the acquisition of lands for the proposed Turavoor Tirumalai Devaswom road; and

(*b*) if the answer to part (*a*) is in the affirmative, what action has been taken on the same?

MR. G. B. E. TRUSCOTT (*Chief Engineer Roads, Buildings and Irrigation*): (*a*) Yes.

(*b*) A report has been received from the Chief Engineer and the question is under consideration.

The Kuttiyatodu bridge.

189. ***MR. EDAVANATT S. PADMANABHA MENON** (*Shertala I*): Will the Government be pleased to state:

(*a*) whether the Kuttiyatodu bridge is in order; and

(*b*) if the answer to part (*a*) is in the negative, what is the defect of it and when and how it happened?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) Yes.

(*b*) In view of the answer to part (*a*), this does not arise.

Shertala-Arukutty road and Shertala-Tanneermukkom road.

190. ***MR. EDAVANATT S. PADMANABHA MENON** (*Shertala I*): Will the Government be pleased to state:

(*a*) whether any amount was allotted for the maintenance of Shertala-Arukutty road and Shertala-Tanneermukkom road in 1111; and

(*b*) if so, the amount spent per mile?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) Yes.

(*b*) Rs. 198 and Rs. 314 on an average per mile for the Shertala-Arookutty road and Shertala-Tanneermukkom road respectively.

Irrigation tanks in Chirayinkil taluk.

191. ***MR. K. PADMANABHAN** (*Chirayinkil I*): Will the Government be pleased to give a list of irrigation tanks or *chiras* in Chirayinkil taluk with their survey numbers and *pakuthies* and state which of them are fit for use and which are in a state of disrepair?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The member is referred to page 95 to 99 of the printed list attached to the Minor Irrigation Committee's report placed on the table of the Secretary to the Sri Mulam Assembly.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know the number of such tanks repaired recently?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): No tanks have been repaired, but repairs to flood damages have been carried out.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know the number of tanks which have been recently repaired?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): There are about 185 tanks in the Chirayinkil taluk. A few of them have been investigated and estimates prepared.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether the Government have taken any steps in the matter of repairing tanks which are in a state of disrepair?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I have already replied.

MR. K. PADAMNABHAN (*Chirayinkil I*): May I know whether Govment have registered such tanks in the name of private persons?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I have no information.

MR. S. J. NAIR (*Nedumangad*): May I know why the report of the Minor Irrigation Committee was not supplied to the members of this House?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The report is available in the Library.

MR. S. J. NAIR (*Nedumangad*): May I know whether Government will be pleased to supply the reports to members?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): They must apply direct to Government.

Mutiravila-Kallara Trace in Nedumangad taluk.

192. ***MR. K. PADMANABHAN** (*Chirayinkil I*): Will the Government be pleased to state:

(*a*) the length of Mutiravila-Kallara trace in Nedumangad taluk; and

(*b*) the estimated cost of converting the trace into a cart-road?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) There is no trace by name Mutiravila-Kallara in the Nedumangad taluk. But there is a trace called Kallara-Aruvipuram, the length of which is 7 miles.

(*b*) The cost has not been estimated.

Police Out-Post at Mannanchery.

193. ***MR. K. M. KRISHNAN** (*Ambalapuzha II*): Will the Government be pleased to state:

(*a*) whether there is a Police Out-Post at Mannanchery;

(*b*) when it was opened;

(*c*) the sanctioned staff when it was opened;

(*d*) the present staff;

(*e*) how far it is from Kalavoor market; and

(*f*) the number of policemen deputed daily for preservation of peace in Kalavoor market?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): (*a*) Yes.

(*b*) In the year 1056 or 1057.

(*c*) Three Police Constables.

(*d*) Four Police Constables.

(*e*) 1½ miles.

(*f*) Two.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know whether there is still a necessity for having an outpost at Mannanchery and whether it cannot be removed?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): It is under consideration.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know whether Government does not feel the necessity of having an out-post at Kalaloor market?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) The necessity is felt. But the question is the putting up of a strong building?

MR. K. M. KRISHNAN (*Ambalapuzha II*) Is there any objection in shifting the out-post at Mannanchery to Kavaloor?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): There is no objection, but there is no suitable building available for the purpose at Kavaloor.

The Tannipuzha ferry on the Periyar River.

194. ***MR. K. P. KRISHNA MENON** (*Parur*): Will the Government be pleased to state:

(*a*) whether they are aware that the travelling public are put to much inconvenience and loss, as motor cars and other vehicles cannot be taken across the Tannipuzha ferry on the Periyar River at the 147th mile stone M. C. Road during dry weather;

(*b*) if the answer to part (*a*) is in the affirmative, whether the P. W. D. has taken any steps in the matter; and

(*c*) if so, the nature of the works done and the amount spent for the same during 1111?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) Yes; owing to the unexpected summer rains of last year (1111) there was some difficulty because of the silting up of the deep water channel. But it was soon rectified.

(*b*) Prompt steps have been taken in the matter.

(*c*) Rs. 817 for putting up dry weather roads, deepening shallow portions and clearing silt due to intermediate rains.

MR. K P. KRISHNA MENON (*Parur*): With reference to answer to part (*b*) may I know how many months it will take to complete the work?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): It is not a question of months, but it is a question of a few days.

Service Motor Buses.

195. *MR. K. P. KRISHNA MENON (*Parur*): Will the Government be pleased to state:

(*a*) whether the words "Taxi-cab" and "വാടകക്കാറുകൾ" seen painted on service motor buses plying within the State have been so painted at the instance of the Traffic Department and, if so, the reasons for issuing instructions to have the said words painted;

(*b*) what exactly the expression "Taxi-cab" signifies and whether it serves the purpose for which the departmental instructions were issued; and

(*c*) whether the words "Taxi-cab" and "വാടകക്കാറുകൾ" refer to the same kind of vehicle?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): (*a*) Yes, to distinguish the motor vehicles plying for hire from other vehicles.

(*b*) "Taxi-cab" signifies "വാടകക്കാറുകൾ."

Yes.

(*c*) Yes.

MR. K. P. KRISHNA MENON (*Parur*): May I know whether motor buses running for public conveyance can be classed under taxies?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Yes, they are taxies.

MR. K. P. KRISHNA MENON (*Parur*): Is there no difference between taxies and buses running as public conveyances?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Both are taxies.

The K. D. H. P. Company.

196. *MR. T. K. ALEXANDER (*Kunnatnad I*): Will the Government be pleased to state:

(*a*) the extent of land brought under cultivation in 1108, 1109, 1110 and 1111 by the K. D. H. P. Company in the Concession;

(*b*) what is the arrangement made to ascertain the actual extent of land cultivated; and

(*c*) what is the additional revenue they have to pay?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

	Year.	*Extent*	
		A.	C.
(*a*)	1108	220	53
	1109	107	54
	1110	1004	26
	1111	1290	63

(*b*) and (*c*) The member is referred to page 33 of the Land Revenue Manual, Vol. II.

MR. T. K. ALEXANDER (*Kunnatnad I*): May I know from the member the extent of land given to the K. D. H. P. Company under the original agreement?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): The member is referred to the Land Revenue Manual Volume II.

Registry of land from the Mannamkandam Valley.

197. *MR. T. K. ALEXANDER (*Kunnatnad I*): Will the Government be pleased to state:

(*a*) the extent of land registered in 1110 and 1111 to private individuals from the Mannamkandam Valley;

(*b*) the extent of land registered to Government officers; and

(*c*) the amount realised from the registry in each of these years?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

	1110.		1111.	
	A.	C.	A.	C.
(*a*)	301	61	758	30
(*b*)	12	28	4	22
(*c*)	Rs. 83,570	...	Rs. 86,314	

MR. T. K. ALEXANDER (*Kunnatnad I*): May I know the reason for the great fall in the price of the land when the amount fetched in 1111 is compared to that fetched in 1110?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): These lands were sold in auction and the figures show the amount that we realised in auction.

MR. T. T. KESAVAN SASTRI (*Nominated*): അതിൽനിന്നും എത്ര ഏക്കർ സ്ഥലം അധഃകൃതർക്കു പതിച്ചുകൊടുത്തിട്ടുണ്ട്?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): ആ സ്ഥലത്തുനിന്നും അധഃകൃതർക്കു പതിച്ചുകൊടുത്തിട്ടില്ല. കുറെ സ്ഥലം അധഃകൃതർക്കു പതിച്ചുകൊടുക്കുന്നതിനെ ആലോചിക്കുന്നുണ്ട്.

MR. T. T. KASAVAN SASTRI (*Nominated*): അധഃകൃതരിൽ ആർക്കെങ്കിലും ആ സ്ഥലം കിട്ടിയിട്ടുണ്ടോ?

MR. K. GEORGE (*Land Revenue and IncomeTax Comissioner*); ലേലത്തിൽ വിററിട്ടുള്ള സ്ഥലമാണ് അതു. അതുകൊണ്ട് അധഃകൃതർക്കു പിടിക്കാൻ സാധിക്കുകയില്ല.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether there is any claim towards the property?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Somebody has set up a claim that the area belongs to a Jenmi according to some old records.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Is there any civil suit pending in connection with that?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I believe so.

Remission of tax in Nanjinad.

198. *MR. S. THIRAVIAM NADAR (*Agastisvaram*): Will the Government be pleased to state:

(*a*) whether they have considered the question of complete remission of tax in Nanjinad for tharisu fields;

[Mr. S. Thiraviam Nadar.]

(*b*) if so, what is the result of the consideration ; and

(*c*) if the result is refusal of complete remission what were the grounds that weighed with Government for refusal ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

(*a*) Yes.

(*b*) The remission was not sanctioned.

(*c*) The lands are not entitled to fallow remission under the Remission Rules. Government had already granted a general remission of 18¾ per cent. tax including water cess and irrigation assessment.

MR. S. THIRAVIAM NADAR (*Agastisvaram*): With regard to the answer to part (*c*) may I know whether Government refused to supply water ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): They did not refuse to supply water.

MR. M. SIVATANU PILLAI (*Tovala*): May I know the extent of *tharisu* land ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I claim notice.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Was water tax realised ?

MR. K GEORGE (*Land Revenue and Income Tax Commissioner*): Yes.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): How was water tax realised when Government did not supply water ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): It was realised because it was due.

MR. M. SIVATANU PILLAI (*Tovala*): What was the result of the deputation that waited on the Dewan with regard to this ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): That is given in the answer.

MR. M. SIVATANU PILLAI (*Tovala*): Was part remission granted ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): They are entitled to a general remission of 18¾ per cent.

MR. M. SIVATANU PILLAI (*Tovala*): Is the member aware that resolutions were passed in this House that remission rules should be so modified ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): There was a discussion on that subject and Government had to consider many other points and the matter is under consideration with Government.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether it was on account of a Government notification to the effect that the water will not be supplied within the commanded area that most of the lands were left fallow by the ryots during the Kanni crop of 1111 ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*). It would have been foolish to cultivate the land when there is no water. The Government notification was to the effect that the water

will not be sufficient for the purpose of cultivation. That was only an intimation to the ryots that it would be risky to undertake cultivation.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know that but for the notification the ryots would have cultivated?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Yes, perhaps, and lost heavily.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether it is not the duty of Government to treat these lands as karivu lands?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): No, thy were not karivu lands but they were left fallow.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether fallow remissions are given due to the fact that Government expect that the Kodayar Project would never fail to supply water?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Yes, that must have been one of the reasons.

MR. M. SIVATANU PILLAI (*Tovala*): In view of the fact that Government had issued a notification to the effect that there was no sufficiency of water, what was the special reason for Government to refuse fallow remissions to such lands which were left uncultivated?

MR. K. GEORGE (*Land Revenue and Income-tax Commissioner*): I have given my answer and I don't think I can add anything more.

Ag. Director of Public Instruction.

199. ***MR. K. A. NARAYANA PILLAI** (*Todupuzha* cum *Devicolam*): With reference to the answer to question No. 237 (247) answered on the 7th August 1936 at the last session, will the Government be pleased to place on the table copies of the orders on the defalcation in the College of Science referred to in that answer?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Copy of* G. O. R. Dis. No. 1913/35/Edn., dated the 19th November 1935 is placed on the table.

The other orders are confidential and cannot be made available.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): May I know from Government what led to the decision that the money misappropriated may not be recovered?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Government examined the whole question and came to the conclusion that there was no justification to recover the amount from the officers concerned.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): May I know the reasons which weighed with Government to think that there was no justification?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): As I said Government examined the whole question, obtained explananations of the officers, scrutinised them and as a result, they came to the conclusion that there was no justification to recover the amount from the officers.

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*Vide Appendix IV—Page—632.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): Was this treated as a special case or a general one?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The same rule will apply to all cases.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): May I know whether the writer of the College is the custodian of the amount collected as fees?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): He collects the fees and remits the amount into the Treasury.

MR. S. J. NAIR (*Nedumangad*): May I know from Government whether there was annual auditing of the College Accounts?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I do not know whether audit was being conducted annually.

MR. S. J. NAIR (*Nedumangad*): May I know whether the writer of the College has been prosecuted and punished?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): He was prosecuted and punished for theft and burglary.

Chief Engineer (Roads, Buildings and Irrigation).

200. ***MR. K. A. NARAYANA PILLAI** (*Todupuzha* cum *Devicolam*): Will the Government be pleased to state:

(*a*) the qualification of the Chief Engineer (Roads, Buildings and Irrigation) to hold that post; and

(*b*) whether the Chief Engineer referred to above is a Hydro-Electric Expert?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) His large and varied experience in design, estimation and execution of engineering works, both civil and hydro-electric. He held the position of Superintending Engineer in Madras Government service and officiated as Chief Engineer there on two occasions.

(*b*) He has considerable experience in design and construction of hydro-electric works.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): May I know whether the Chief Engineer has great experience in civil and hydro-electric engineering?

RAO BAHADUR RAYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): He has got experience in civil and hydro-electric works.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): In which Department has he greater experience?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): He has sufficient experience in civil engineering to be the Chief Engineer of the P. W. D.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): That not my question.

In what Section of the Department has he greater experience?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : I claim notice.

PRESIDENT : I suppose the honourable member can look into the Civil List of Madras Government.

Bridge over the Neyyar at Mandapatumkadavu.

201. ***MR. N. K. KRISHNA PILLAI** (*Neyyattinkara I*) : Will the Government be pleased to state with reference to the necessity for a bridge over the Neyyar at Mandapatumkadavu in Ottasekharamangalam *pakuthi* which was the subject matter of question No. 45 answered in the Sri Chitra State Council on 18-6-1110 and published on page 126 of the State Council Proceedings (Vol. IV, No. 4):

(*a*) whether the construction of the bridge was left to wait until the three traces leading to it are made fit for cart traffic ;

(*b*) whether the three traces referred to have been made fit for cart traffic : and

(*c*) if the answer to part (*b*) is in the affirmative, what is the delay in starting the construction of the bridge?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : (*a*) Yes.

(*b*) Only two traces have been made fit for cart traffic.

(*c*) A rough estimate has been called for by the Chief Engineer for the construction of the bridge.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*) : May I know from the Government whether these three traces have been made fit for cart traffic ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : Two of them have been improved. I have called for a rough estimate for the construction of the bridge.

Registry of lands to the Depressed Classes.

202. ***MR. N. K. KRISHNA PILLAI** (*Neyyattinkara I*) : Will the Government be pleased to state :

(*a*) the total area of land available for registry to the depressed classes in 1108, 1109 and 1110, respectively ; and

(*b*) the total area registered to them in each of these years?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : A * statement containing the informaion is laid on the table.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*) : May I know why during the years 1108, 1109 and 1110 more than 15,000 acres have been made available for registration and yet there has been such decline in the area actually registered ?

MR. K. GEOGE (*Land Revenue and Income Tax Commissioner*) : The total area ear-marked was 15,634 acres. As to the variations of the figures it is due to several reasons. They might have applied for occupied lands, for lands which might have been already registered, and then there might not have been sufficient applicants.

MR. K. R. ELENKATH (*Kaitkulam I*) : I know there are cases where the applications for registry of land within the area allotted have been refused to the depressed classes.

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* *Vide* Appendix V page—633.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is the total land available for registration represented by these figures?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I believe so.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): May I know how long these acres have been pending registry?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Several years.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): What is the delay in getting them registered?

MR. K. GEORGE (*Land Revenue and Inosme Tax Commissioner*): It depends upon circumstances.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know whether it is because there has been no application that the registry is so small?

MR. K. GEORGE (*Land Revenue and Income Tax Comissioner*): In many places, the applications are not forthcoming, because they do not like the land.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know whether most of the lands have been stated to be unfit on account of rocks found in them?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): No. Some places are rocky but there is a large number of good tracts.

MR. M. SIVATANU PILLAI (*Tovala*): Is the area so far earmarked as totalled up in this answer already registered?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): The answer gives the registry for the respective years.

MR. M. SIVATANU PILLAI (*Tovala*): I want to know the total area registered?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I am unable to give the answer.

MR. PACODE A. NARYANA PILLAI (*Vilavankod*): May I know whether the fitness of the lands was considered at the time of the ear-marking?

MR. K. GEORGE (*Land Revenue and Income Tax Comissioner*): The Tahsildars were asked to select the lands and they were ear-marked in that way.

MR. S. J. NAIR (*Nedumangad*): May I know whether the lands held out for the purpose of registry to the depressed classes lie in out of the way places?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): In some cases they are out of the way and in some, they are rocky. But there are also good tracts.

MR. S. J NAIR (*Nedumangad*): If the ear-marked lands lie in out of the way places will it not be inconvenient for the depressed classes to occupy them?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): It is a matter of opinion.

MR. T. T. KESAVAN SASTRI (*Nominated*) : ഏതു ഇനത്തിലാണ് പതിച്ചു കൊടുത്തിട്ടുള്ളതു്?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) ഇനം എന്നു് പറഞ്ഞതു മനസ്സിലായില്ല.

MR. T. T. KESAVAN SASTRI (*Nominated*) : തറവില തടിവില മുതലായതു് ഈടാക്കിയിട്ടാണോ അതല്ല ദാനമായിട്ടാണോ പതിച്ചുകൊടുത്തിട്ടുള്ളതു് ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): ദാനപതിവ് ആയിരിക്കണം.

Sinking of a well at Kottappuram.

203. ✱ **MR. N. K. KRISHNA PILLAI** (*Neyyattinkara I*): Will the Government be pleased to state:

(*a*) whether they have sanctioned an amount for the sinking of a well at Kottappuram, Vizhinjam, in the Kottukal *pakuthi*, Neyyattinkara taluk;

(*b*) if the answer to part (*a*) is in the affirmative, the amount so far (till 24-11-1111) spent on it; and

(*c*) whether it is a fact that the work has been proposed to be abandoned after the major portion of the work was done, and, if so why?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) Yes.

(*b*) Rs. 148.

(*c*) No.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know what is the total cost for sinking the well?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Rs. 730.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know whether the well is complete now?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I cannot give the information.

Trace from Kollenpuzha to Mananakku.

204. ✱ **MR. S. NILAKANTA PILLAI** (*Chirayinkil II*): With reference to the answer to question No. 56 given on the 15th November 1935, regarding the estimate for the conversion of the trace from Kollenpuzha to Mananakku (part of the Attingal-Dalavapuram trace) into a cartable road, will the Government be pleased to state:

(*a*) whether the Chief Engineer has received the estimate from the Division Officer; and

(*b*) if so, the action taken by the Chief Engineer on receiving the estimate?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) Yes.

[Mr. G. B. E. Truscott.]

(*b*) He submitted the estimate to Government for sanction. But the Government have instructed the Chief Engineer to move for administrative sanction when there is a prospect of finding the necesssary funds for the work.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know when the Chief Engineer submitted the estimate to Government for sanction?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): On 27-7-36.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know the amount of expenditure incurred by Government as per the estimate?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads Buildings and Irrigation*): Rs. 5,650.

MR. S. J. NAIR (*Nedumangad*): May I know whether there is any prospect of finding the necessary funds in the near future?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): That is a question of future action.

Kilimanur-Madavoor road.

205. *MR. S. NILAKANTA PILLAI (*Chirayinkil II*): With reference to the Kilimanur-Madavoor road in the Chirayinkil taluk, will the Government be pleased to state:

(*a*) the various items of work contained in the original estimate; and

(*b*) whether there is a bridge to be constructed across the Vazhamon *todu* somewhere near the 4th mile stone?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) A list of the items of works executed as per the sanctioned estimate is placed on the table.

(*b*) There is no necessity for a bridge at present.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know whether the original estimate included an estimate for the construction of the bridge?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I do not think it does.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know what the Chief Engineer means by saying that there is no necessity for the bridge at present?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): There is not enough traffic there at present.

Kallambalam-Karettu road.

206. *MR. S. NILAKANTA PILLAI (*Chirayinkil II*): With reference to the Kallambalam Karettu road, will the Government be pleased to state whether there is any provision in the budget allotments for this year (1111) for the construction of the bridge across the Koduvazhannoor river?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): No.

**Vide* Appendix VI—page 633 and 634.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know whether the Government are aware that the people of the locality find it very difficult to cross the river during rainy seasons?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I take the information from the honourable member.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): I want to know the reason why provision for the construction of the bridge was not made in the budget allotment for this year?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): That is not usually done. The road is constructed under one estimate and the bridge under another

MR. S. J. NAIR (*Nedumangad*): May I know whether the materials that are available out of the demolished Vamanapuram bridge can be utilised for this purpose?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Quite possible.

Irrigation tanks in the Chirayinkil taluk.

207. ***MR. S. NILAKANTA PILLAI** (*Chirayinkil II*): Will the Government be pleased to state:

(*a*) the number of irrigation tanks in the Chirayinkil taluk;

(*b*) the number of irrigation tanks investigated;

(*c*) the number of irrigation tanks improved up-to-date (till 24-11-1111); and

(*d*) if the answer to part (*c*) is in the negative, the reasons therefor?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) 185.

(*b*) 4.

(*c*) No tank as such was improved; but other irrigation works were carried out.

(*d*) No requisitions have been received.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know the names of the *pakuthies* in which the four tanks referred to in the answer to part (*b*) are situated?

MR. G. B. E. TRSUCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I must claim notice.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): With regard to the answer to part (*d*) may I know whether the Government are aware that the inhabitants of Chirayinkil *pakuthi* have sent representations to the Chief Engineer last year with regard to the necessity of investigating and improving the tanks in the *pakuthi*?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): No.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know what are the other Irrigation works that they have undertaken?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I claim notice.

Traffic-Checking Stations.

208 *MR. S. J. NAIR (*Nedumangad*): With reference to interpellation No. 143 answered on the 6th August 1936, will the Government be pleased to state:

(*a*) the number of traffic-checking stations in the State;

(*b*) the amount of rent paid to these stations per mensem; and

(*c*) whether checking staff is retained for more than 6 months in a station?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): (*a*) 45

(*b*) Nil.

(*c*) No period is fixed for the retention of a constable in a checking station.

MR. S. J. NAIR (*Nedumangad*): May I know whether the traffic checking stations numbering 45, are all located in Government buildings?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): No.

MR. S. J. NAIR (*Nedumangad*): May I know whether no rent is given for the buildings that do not belong to Government?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): No rent is given.

Departmental Tests in the Revenue Department.

209. *MR. S. J. NAIR (*Nedumangad*): With reference to the answer to interpellation No. 162 answered on the 6th August 1936, will the Government be pleased to state whether any preference is given to those who have passed the Revenue Tests earlier?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): No preference is shown on the ground that a subordinate has passed the Revenue Test earlier than his senior if at the time the vacancy occurs in the higher grade the latter has passed the test.

Accidents on the Main Road.

210. *MR. S. J. NAIR (*Nedumangad*): Will the Government be pleased to state the number of accidents that took place on the Main Road from the Museum to the East Fort, Trivandrum, during 1108, 1109, 1110, 1111 and 1112 M. E. (till 16-3-1112)?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*):

1108	5
1109	13
1110	7
1111	6
1112 (till 16-3-1112).	2

MR. S. J. NAIR (*Nedumagad*): May I know what proposals have been adopted by Government in order to ward off accidents on the main road here from Museum to East Fort?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): We are attempting to educate people in road sense.

MR. S. J. NAIR (*Nedumangad*): May I know whether there is any proposal to widen the road and thus to ward off accidents?

MR. R. PITCHU AIYANGAR (*Commisioner of Police*): I have no idea.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know the number of casualities on account of this?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I claim notice.

Motor fares of Service Buses.

211. ***MR. N. K. KRISHNA PILLAI** (*Neyyattinkara I*): Will Government be pleased to state with reference to the rates of fare fixed by the owners of service buses plying for hire in the Trivandrum—Quilon line and the Trivandrum—Nagercoil line:

(*a*) whether the passenger's fare fixed for the Trivandrum-Quilon line, which is about 44 miles long is 7 annas per head, while for the Trivandrum-Nagercoil line which is about 42 miles long it is 12 annas; and

(*b*) if the answer to part (*a*) is in the affirmative, whether the Government have enquired into the gross injustice to the public consequent on such difference in fare?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): (*a*) Yes.

(*b*) No; there is no provision in the Motor Vehicles Regulation or the rules thereunder in pursance of which passenger fares can be fixed.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know whether the Commissioner of Police or Government have considered the great inconvenienće caused by the inequality in the fares for buses plying for hire in the Trivandrum—Quilon line and Trivandrum—Nagercoil line?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): In the Trivandrum-Quilon road there is the road-rail competition. That is the reason why passenger fare is very much reduced in that road. There is no such competition between Trivandrum and Nagercoil.

MR. S. J. NAIR (*Nedumangad*): Would it not be possible to remove this inequality in the matter of fares when the Government takes up the motor traffic?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*); Well, it may be possible.

MR. A. EASWARA PILLAI (*Kalkulam II*): May I know with regard to the traffic between Trivandrum and Nagercoil whether any monopoly is given to two Companies?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): There must be; else the buses will not run.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether bus traffic is heavier on the M. S. road or on the Trivandrum-Quilon road?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I have no idea at present for his immediate reply.

MR. A. THANU PILLAI (*Trivandrum-Rural*): With regard to the Trivandrum – Nagercoil line, has not competition been made impossible on account of the timings granted for the various buses?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I could not hear or understand the question. I would therefore request the member to repeat it a bit louder.

MR. A. THANU PILLAI (*Trivandrum-Rural*): This is the first time I hear that complaint being raised against me.

PRESIDENT: Accidents occur. (*Laughter.*)

MR. A. THANU PILLAI (*Trivandrum-Rural*): I wish to know whether competition has not been made impossible on account of the timings granted for the various buses.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Which is the route that the honourable member is referring to?

MR. A. THANU PILLAI (*Trivandrum—Rural*): I could not hear the honourable member. (*Laughter.*)

PRESIDENT: The honourable member will raise his voice.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I want to know which line the honourable member is referring to.

MR A TH NU PILLAI (*Trivandrum-Rural*): The Trivandrum—Nagercoil line.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): There is no competition at all in that line.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): How many owners are now running buses in that line?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): About 35 owners.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether, in a large number of cases, applications, for G. permits to run buses in this line, were refused?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Yes.

MR. M. SIVATANU PILLAI (*Tovala*): Why?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): There was no necessity for additional service.

MR. M. SIVATANU PILLAI (*Tovala*): Who is to decide that?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): The Officer in charge of traffic administration.

MR. M. SIVATANU PILLAI (*Tovala*): Were there not complaints against such Officer?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): The complaints were suitably answered.

MR. M. SIVATANU PILLI (*Tovala*): What I want to know is whether there were complaints.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): There were.

MR. M. SIVATANU PILLAI (*Tovala*): May I know the number of such complaints received last year and the year before last?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I claim notice as to that number.

MR. K. K. ELENKATH (*Kalkulam I*): May I know whether partiular days are set apart for the buses owned by one company?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): To avaid unnecessary rivalry, in the interests of the convenience of the passengers, that arrangement has been made.

Appendix I.

***Vide* Answer to Question No 173.**

Revised rules for medical grant-in-aid.

1. Medical Institutions shall for the purpose of these rules, be divided into hospitals and dispensaries.

2. A hospital shall be an institution where in and out patients are treated and in which in-patients are accommodated and dieted.

A dispensary shall be an institution where only out-patients are treated.

3. The maximum grant allowable under these rules to any one institution shall be Rs. 100 per mensem.

4. The minimum attendance required for the maximum grant should be as under :—

A. HOSPITALS.

In-patients—average monthly	...	No. 120
Out-patients	...	No. 1000
Or a total of	...	No. 1600

(reckoning 1 in-patient to 5 out-patients)

B. DISPENSARIES.

Average monthly out-patients	...	No. 1500

5. In hill stations the following minimum attendance may be accepted :—

A. HOSPITALS.

In-patients—average monthly	...	No. 90
Out-patients	...	No. 750
Or a total of	...	No. 1200

(reckoning 1 in-patient to 5 out-patients).

B. DISPENSARIES.

Average monthly out-patients	...	No. 1125

6. Institutions whose average attendance is below the minimum prescribed in Rules (4) and (5) will be allowed proportionately reduced grants.

7. No institution shall receive a grant if situated within two miles of a Government Hospital or Dispensary. Government may however in the case of existing institutions and in other special cases relax this rule.

8. The minimum qualification of the individual in immediate charge of a hospital or dispensary shall be a diploma of, or equal to that of a Madras Hospital Assistant. This rule may be relaxed in the case of existing institutions.

Appendix I—(*contd.*)

9. All aided medical institutions shall be open to inspection by such officer or officers as Government may appoint for the purpose, and it shall be the duty of the officers attached to the institutions to carry out such directions, regarding their work as the Inspecting Officers may give.

10. Every aided medical practitioner shall carry out without extra remuneration all orders of Government in regard to the treatment of disease and distribution of medicines and such allied matters during epidemics, festivals and other special occasions.

11. All institutions receiving a grant-in-aid shall keep up a supply of instruments and utensils according to Medical Department Form No. 116.

12. All persons in receipt of grants under these rules shall maintain registers and records in prescribed forms, submit all returns called for by Government and in all matters act in accordance with such other rules as may be passed from time to time.

13 The following work shall also be attended to without special fee or remuneration :—

(*a*) Post-mortem examinations shall be made and certificates granted.

(*b*) Certificates for sick leave shall be granted to public servants.

(*c*) Such certificates are to be granted in the forms that may be prescribed and copies of the same forwarded to the Darbar Physician's Office.

14. (*a*) The following returns are to be forwarded from each institution receiving a monthly grant to the Darbar Physician to reach that Officer by the dates shown opposite to each :—

(i) Monthly returns of sick treated—Medical Department Form No. 25—and Quarterly returns of Vaccination performed—Sanitary Department Form No. 29—the former by the 10th of every succeeding month and 10th of Avany each year.

(ii) Annual returns and reports on the work of the institution —Medical Department Form No. 110 by the 15th of Avany every year.

(To be forwarded to the Sanitary Commissioner's Office)

(iii) Annual returns of death from cholera by the 10th of January every year—Sanitary Department Form No.

(*b*) The following returns are to be forwarded from each institution receiving a monthly grant to the Sanitary Commissioner to reach that Officer by the dates shown opposite to each :—

(i) Daily cholera reports when the disease if prevalent and cases treated daily—Sanitary Department Form No.

(ii) Weekly season reports to reach every Saturday or not later than every Sunday—Sanitary Department Form No.

15. Printed Service Anchal Cards will be issued for this latter purpose from the Sanitary Department—Form No. 15. The following

Appendix I.—(*contd.*)

certificates shall be sent half yearly on 1st Avani and 1st Masi to the Darbar Physician signed by the Medical Officer in charge—

"I certify that this institution is provided with the instruments etc., required according to Medical Department Form No. 116".

16. Any change occurring in the Medical Officer of an institution is to be reported at once to the Darbar Physician, the name, age, qualification of the new officer being stated.

17. In any institution when the qualified Medical Officer is absent or unable to perform his duty for a period exceeding fifteen days, a report is to be made to the Darbar Physician and such institution shall not receive a grant for the period during which the Medical Officer is absent.

18. Government reserve to themselves the right of suspending, reducing or withdrawing any grant in cases where there has been any misrepresentation of facts, deception or falsification of records or returns submitted or any other irregularity on the part of the grantee or his staff or where the institution ceases to be useful to the public.

19. All applications for grants under these rules shall be made in the form appended hereto and addressed to Government.

20. The officer in charge of an institution receiving a grant-in-aid is permitted to frank all letters and covers addressed to Government, the Darbar Physician, or other authority and containing such returns or information as he is bound to submit or furnish under the following rules.

21. Any institution in which for three consecutive months, the total number of patients falls short of what is required under Rules (4) and (5) shall be liable to have the grants proportionately reduced.

22. Printed Forms will be issued free of cost on application to the Darbar Physician.

Huzur Cutcherry, (Sd.) K. KRISHNASWAMY RAO,
Trivandrum, 4th February 1898. *Chief Justice in Charge.*

NOTICE.

Under sanction of His Highness the Maharaja, the following is published in modification of Rule 13 of the Revised Grant-in-aid Rules dated the 4th February 1898.

13. The following work shall also be attended to without special fee or remuneration .—

(*a*) Post-mortem examinations shall be made and certificates granted.

(*b*) Medico-legal cases shall be admitted at the request of the Magistrates or Police and certificates granted.

(*c*) Certificates for sick leave shall be granted to public servants on prescribed form and copies of the same forwarded to the Darbar Physician's office.

Huzur Cutcherry, (Sd.) K. KRISHNASWAMY RAO,
Trivandrum, 21st April 1898. *Dewan.*

Appendix I. *(contd.)*

Application for maintenance grant.

1.	Name of Institution.	
2.	Taluq and Proverthy in which it is situated.	
3.	Nature of Institution. Name of Applicant.	
4.	Qualification of Assistant and his staff if any.	
5.	Area and approximate number of persons served.	
6.	Nature and amount of equipment *viz.*, Medicines, Surgical Instruments etc.	
7.	Cost of maintaining Institution.	
8.	Nature and extent of building and accommodation.	
9.	Amount of grant now applied for, with date from which it is required to take effect.	
10.	Income of Institution and from what sources.	
11.		
12.		

Appendix II.

***Vide* Answer to Question No. 179.**

Irrigation works in the Neyyattinkara Taluk.

List of works notified in the Government Gazette to be taken up for repairs from 1109 to 1111 M. E.

Serial No.	Name of work.	Amount of Estimate.	Expenditure.
		Rs.	Rs.
1	Improvements to Kattukulam in Athiyannoor *pakuthy*, Neyyattinkara Taluk ...	352	217
2	Improvements to Marthandam Puthukulam in Thiruvellam *pakuthy*, ...	410	223
3	Improvements to Puthichakonathukulam in Athiyannur *pakuthy*, Neyyattinkara Taluk ...	640	440
4	Improvements to Marthandamkulam in S. No. 94/9 A/1 in Kottukal *pakuthy*, Neyyattinkara Taluk—Rain damages of ...	1790	82
5	Improvements to Asaroorkulam in Chengal *pakuthy*, Neyyattinkara Taluk ...	1130	983
6	Improvements to Parambookonathukulam in Pallichal *pakuthy*, Neyyattinkara Taluk ...	1520	523
7	Improvements to Vandichira *thodu* and other drainage works to Keezhambhagom yelah in Chengal *pakuthy*, Neyyattinkara Taluk ...	1200	372
8	Improvements to Vettiyoorkulam in Chengal *pakuthy* Neyyattinkara Taluk —Repairs and additional works ...	590	276
9	Improvements to Ayanthithalakulam in Neyyattinkara *pakuthy*, Neyyattinkara Taluk ...	1970	672
10	Improvements to Ezhakulam in Neyyattinkara *pakuthy*, Neyyattinkara Taluk ...	905	...
	Total ...	10507	...

Appendix III.

Vide Answer to Question No 182

I

Statement by caste showing the appointments of Munsiffs from the Bar since 1105.

A. Hindu.			
	1. Brahmin	...	3
	2. Nayar	...	4
	3. Other Caste Hindu	...	2
	4. Kammala	...	...
	5. Nadar	...	...
	6. Ezhava	...	2
	7. Cheramar (Pulaya)	...	...
	8. Other Hindu	...	...
B. Muslim.			
C. Christian:			
	1. Jacobite	...	1
	2. Marthomite	...	...
	3. Syriac Catholic	...	1
	4. Latin Catholic	...	1
	5. South India United Church	...	...
	6. Other Christian	...	1
	Total	...	16

Appendix III—(*contd.*)

II

Statement by caste showing the number of District Munsiffs, Second Judges and District Judges.

Classification of communities.	Munsiffs.	Second Judges.	District Judges.
A. Hindu:			
1. Brahmin ...	10	1	2
2. Nayar ...	14	...	2
3. Other Caste Hindu ...	4	2	...
4. Kammala ...	...	...	...
5. Nadar ...	...	...	...
6. Ezhava ...	2	1	...
7. Cheramar (Pulaya) ...	...	...	...
8. Other Hindu ...	...	...	...
B. Muslim:	1	1	...
C. Christian:			
1. Jacobite ...	2	1	1
2. Marthomite ...	1	1	...
3. Syriac Catholic ...	1	1	..
4. Latin Catholic ...	1	...	1
5. South India United Church ..	3	1	...
6. Other Christian ...	1	...	...
Total ...	40	9	6

Appendix III—(*contd.*)

III

Castewar statement showing the number of District Judges and Second Judges recruited from the Bar in the years 1108, 1109 and 1111.

	District Judges.			Second Judges.		
	1108	1109	1111	1108	1109	1111
A. Hindu:						
1. Brahmin ...	...	...	...	...	...	...
2. Nayar ...	...	...	1	...	...	...
3. Other Caste Hindu.	...	...	...	...	...	...
4. Nadar ...	...	...	...	...	...	...
5. Ezhava ...	...	...	...	...	...	1
B. Muslim:	...	...	...	...	...	1
C. Christian:						
1. Jacobite ...	...	...	1	...	...	...
2. Marthomite ...	.	...	...	...	...	...
3. Syriac Catholic ...	...	...	...	...	1	...
4. Other Christian ...	...	...	...	1	...	...
Total ...	...	...	2	1	1	2

Appendix IV.

***Vide* Answer to Question No. 199**

Copy of G. O. R. Dis. 1913/35/Edn., dated the 19th November 19?5 from the Chief Secretary to Government to the Account Officer.

In continuation of this office R. O. C. No. 3607 of 33/Edn., dated the 27th August 1934 re: defalcations in the Science College, I have the honour to inform you that Government sanction the total amount involved in the mis-appropriations, *viz*., Rs. (10,730-3-4) ten thousand seven hundred and thirty, chackrams three and cash four, of which Rs. 8,533-25-0 relates to the period of Mr. Chandrasekharan's Principalship and Rs. 2186-6-4 to that of Dr. Moudgill being written off.

Appendix V.

Vide Answer to Question No 202

(*a*) Total area earmarked for registry to members of the depressed classes in

1108		1109		1110	
A.	C.	A.	C.	A.	C.
15,347	16¾	15,361	92	15,108	9

(*b*) Total area registered to members of the depressed classes in

1108		1109		1110	
A.	C.	A.	C.	A.	C.
207	55	139	2½	80	21½

Appendix VI.

Vide Answer to question No. 205

Items of work executed as per the sanctioned estimate for constructing the village road from Kilimanur to Madavoor into a cart road.

1ST MILE.

1. Earthwork cutting the high ground and widening the roadway on either sides.
2. Earthwork raising embankment in Kilimanoor *yelah* from 4592 to 5230 with an average conveyance of 300′.
3. Opening new side drain in hard soil 2′ x ½′
4. Cutting and easing cross drain 1 in 55 gradient to the approaches.
5. Providing R. C. pipe sluice at 4980.
6. Sectioning and forming road to get a clear width of 14′.
7. Gravelling roadway 10′ wide and 4″ thick spreading and watering and consolidating etc., in embankment portion alone.
8. Constructing an R. C. platform bridge at 4690.

II MILE.

1. Earthwork cutting high ground and widening roadway on either sides.
2. Earthwork raising *yelah* portion from 1450 to 1770, 4280 to 4700, 4995 to 5180 to 4 extra leads.
3. Cutting new side drain 2 x ½.
4. Cutting and easing cross drain.
5. Providing R. C. pipe sluice.
6. Sectioning and forming road to set a clear width of 14′.
7. Gravelling roadway 10′ wide and 4″ thick spreading watering and consolidating.

III MILE.

1. Earthwork cutting the high ground and widening roadway.
2. Opening new side drain 2'x½'
3. Sectioning and forming road to a clear width of 12 feet.

IV MILE

1. Earthwork cutting the high ground and widening the roadway, etc.
2. Earthwork raising embankment in *yelah* portion from 430 to 970 to an average of 300' lead.
3. Opening new side drain.
4. Cutting and easing cross drain.
5 (a) Providing R. C. pipe sluice double line at 450.
   (b) do. do. single line.
6. Sectioning and forming roadway.
7. Gravelling roadway in embankment portion.

LEGISLATIVE BUSINESS.

THE TRAVANCORE HINDU WIDOWS' REMARRIAGE BILL.

SRIMATI T. NARAYANI AMMA (*Nominated*) : I rise to introduce the Travancore Hindu Widows' Remarriage Bill. Copies of the Bill, together with a Statement of Objects and Reasons, have been circulated among the members. I beg to move that the Bill be read in the Assembly.

MISS HEPZIBAH GANASIKAMONY (*Nominated*) :I Second it.

SRIMATI T. NARAYANI AMMA (*Nominated*) : I shall now briefly explain the principles underlying the Bill. The object of the Bill, as stated in the Statement of Objects and Reasons, is to remove all legal obstacles against the remarriage of Hindu widows in Travancore. I am emphatically of opinion, Sir, that though in Travancore, the proportion of widows to the total number of females is less than in other parts of India, it is large enough to merit notice. According to the Census Report, there are 119 widows for every 1000 women as against 155 in India. The comparatively low proportion of widows in Travancore, is, no doubt due to the fact that widow remarriage is not prohibited among the bulk of the population in this State. But there *are* several communities among whom early marriage is common and widow remarriage is prohibited. Whether the number of such widows in those communities is small or large, the ban on the remarriage of widows is undoubtedly a source of considerable social evil. In the Statement of Objects and Reasons, I have quoted the views of the Census Commissioner for India. It is with the object of preventing such social evils and bettering, by a purely permissive legislation, the lot of many a young widow, that my Bill is drafted.

The Bill is generally on the lines of Act XV of 1856. But I have made a slight change. By Section 2 of Act XV of 1856, the remarriage of a Hindu widow brings about her civil death so far as her deceased husband's estate is concerned. That, I consider, is a very harsh provision and I have dropped it in my Bill,—a change which, as I have said in my Statement of Objects and Reasons, accords both with reason and the law of our State.

In conclusion I wish to emphasise the fact that the Bill is a purely permissive measure the aim being the removal of legal obstacle to the remarriage of Hindu widows in Travancore, and the legitimising of the children born of such wedlock. It does not at all affect the freedom of any woman who, after the death of her husband, chooses to remain a widow.

Under these circumstances, I fully trust that the House will unanimously support the principle of the Bill.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): What is the community to which the large number of widows in the country belong?

SRIMATI T. NARAYANI AMMA (*Nominated*): Brahmins.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know whether there has been any demand from the Brahmin community for a Bill of this kind?

SRIMATI T. NARAYNI AMMA (*Nominated*): Yes, Sir.

MR. S. J. NAIR (*Nedumangad*): May I know the number of widows in the State? (*Laughter.*)

SRIMATI T. NARAYANI AMMA (*Nominated*): The honourable member may refer to the Census Report. (*Continued Laughter*).

MR. S. J. NAIR (*Nedumangad*): Sir, I oppose the principle of this Bill. I shall not be misunderstood by the honourable members of this House, or by anybody outside, while I stand up and oppose the principle of this Bill. I am against child marriage; and I am also for the introduction and encouragement of widow remarriage. But my point is that this Bill has been introduced in this House only as a result of mere imitation.

In Travancore, Sir, the major Hindu communities are the Nayar community and the Ezhava community. So far as these two communities are concerned, there is no restriction against widow remarriage; and widow remarriage *is* taking place daily as a result of custom or usage. There is absolutely no bar against the widows of the Ezhava and the Nair communities getting remarried.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether there is not an odium attached to widow remarriage even in those communities?

MR. S. J. NAIR (*Nedumangad*): Absolutely none. I can assure the honourable member about that.

The other important Hindu community is the Vellala community. So far as the Vellalas who reside in Central Travancore, espicially in

Mr. S. J. Nair.

the Nedumangad and the Chirayinkil taluks—I have personal knowledge about them—widow remarriage among them is taking place daily. (*Laughter.*) I know instances.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know the number of widows in the Chirayinkil taluk?

MR. S. J. NAIR (*Nedumangad*): My friend may refer to the Census Report. (*Laughter.*)

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Is the honourable member referring to *Makkavazhi* or to *Marumakkavazhi* Vellalas?

MR. S. J. NAIR (*Nedumangad*): I am referring to the *Makkavazhi* as well as to the *Marumakkavazhi* Vellalas in the Nedumangad taluk.

With regard to the Kshatriyas, Sir, there is absolutely no bar against widow remarriage.

Coming to the Brahmins, even amongst them, widow remarriages do take place in certain places.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): Where?

MR. S. J. NAIR (*Nedumangad*): Among Pottis, who are Malayali Brahmins. Sir, they are very orthodox and conservative Brahmins. I know of instances of widow remarriage among the Malayali Brahmins. Not only that the enlightened and modern educated leaders and ladies in the community support, approve and advocate the widow remarriage amongst them, and even without any law they conduct widow remarriages without much opposition.

PRESIDENT: Although we all know the readiness and resourcefulness of Mr. S. J. Nair, I think, it would be conducive to the convenience of debate if even he is not embarrassed with a multiplicity of questions. (*Laughter*).

MR. S. J. NAIR (*Nedumangad*): Sir, my point is that there is only a microscopic minority, which can be counted on our fingers ends amongst whom there is a ban against widow remarriage. Among the vast majority of Hindu communities in Travancore, widow remarriage has been in vogue from time immemorial. There is, therefore, no necessity for this Bill. Legislative enactment would be justified only when any evil practice or custom is in the increase and not when it is in the decrease. Now the civil bar against remarriage of widows in the Hindu community is slowly and steadily dying out. In course of time, as a result of the advancement of modern theories and thought on the question of marriage, the prevailing evil that is slowly dying out would completely vanish for the good of the country and of the community amongst whom the evil exists.

Further Sir, if we have a legislation of this kind in our Statute Book, what will the people outside think of the conditions here? It is true that the prohibition of widow remarriage is recognised as a social evil. The people outside will think that that evil is so widespread in

Travancore as to necessitate a legislation of this sort. But as a matter of fact we all know, Sir, that, in Travancore and in Malabar, there is absolutely no bar against widow remarriage, so far as the vast majority of the people in the Hindu society are concerned.

And then, Sir, there must be men to marry all these widows. (*Continued laughter.*) Sir, I shall explain my position. Among the Malayali Brahmins, in each family, only the eldest male member can marry from his own community so that most of the women in that community remain perpectual maidens. So, when there are not enough men to marry even these maidens, certainly it will not be possible to get men to marry these widows. (*Laughter.*)

MR. P. C. KURIYAN (*Kottayam I*): Is it the duty of this House to find husbands for widows?

MR. S. J. NAIR (*Nedumangad*): Am I to answer it, Sir?

PRESIDENT: If he chooses, he can answer any question.

MR. S. J. NAIR. (*Nedumangad*): My humble opinion is that that question is not relevant to my present point; therefore I refrain from answering it.

Sir, Let me quote some figures from the report of the Travancore Census of 1931. Out of 6,17,939 persons in the State between 10 and 15 years of age, there are only, 585 widowed persons, widows and widowers together.

PRESIDENT: The honourable member will realise that it is the Hindu Widows' Remarriage Bill that is now before the House, and not any Bill about the widowers.

MR. S. J. NAIR (*Nedumangad*): I will come to that, Sir.

Out of 6,17,939 persons in the State, belonging to all communities and races and religon, there are only 585 widowed persons. Out of this seventy six are males and 509 are females. This number includes all widows and widowers in the State, irrespective of caste and religion whereas the number of Hindu widows in this would be comparatively, very few.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): If the figures given by the honourable member is correct I should like to know how he can assert that widow marriages are taking place daily.

MR. S. J. NAIR (*Nedumangad*): This number, 585, is out of a total population of 6 lakhs. It is a matter of inference. Otherwise the number of widows would have mounted up in their numerical strength in the Census Report.

With regard to persons between 15 and 20, the total population is 8 lakhs. Out of this, the number of widowed persons is 6212, consisting of 1123 males and 5089 females. So, Sir, the figures and the existing custom among the major Hindu community in the State do not warrant the bringing in of a Bill of this kind.

Not only that; this Bill is an insult to the enlightenment of the major Hindu community of the State. This will not serve any purpose to them. For we know that widowers number only about 1123 between the ages of 15 and 20. Why do they remain widowers? Not

[Mr. S. J. Nair.]

that they were not able to get wives. Wives they can get at any time. The trouble is not in the scarcity of women or in the difficulty of getting proper and suitable wives. The trouble and difficulty lies elsewhere. Due to various reasons, chiefly economic, they were not able to marry again. Because marriage begets not only children but exacting burden and responsibility. The ordinary man is incapable of shouldering this heavy burden and hence the reluctance to marry and the presence of maidens and widows. Such being the case what good would come out of passing such a legislation as this? We could not compel all the males to get themselves married. If this Bill had been passed in Germany today I can understand it.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Is not this legislation permissive?

MR. S. J. NAIR (*Nedumangad*): Yes, it is so. This would be simply adding one more law to our Statue Book. It may not serve any useful purpose. Even though I agree with the principle of abolishing the most sinful custom of preventing widows from re-marrying, since this Bill is not warranted by the conditions in Travancore, I oppose it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I rise to support the principle of the Bill. My honourable friend, Mr. S. J. Nair, quoted figures from the census report of 1931 and said that there is only a small number of widows and that widow remarriage is allowed among the major Hindu Communities in the State and that therefore there is no necessity for such a legislation here and that it is derogatory to the good name of the State to introduce this Bill. He also pointed out that even if remarriage of widows is allowed there may not be sufficient number of men to marry widows.

Sir, when I heard Mr. S. J. Nair, I thought he was blowing hot and cold in the same breath. For he applauded the fact that there is no restriction on widow remarriage generally, and that widows are being "married every day" in the Nedumangad and Chirayinkil taluks. If that be the case I cannot understand why he is arguing against the small number of widows getting the freedom to marry. From the very testimony given by Mr. Nair, it will be clear that the small number of widows might get their husbands if a law like this is passed removing the ban. He need not be anxious about that.

The question is an important one. The question is, 'are you going to keep up an infringment on the freedom of marriage of any set of people who are competent to marry?' That is the question that has to be considered. If that question is considered, then nobody will seriously contest the reasonableness of the proposition that everybody should have the liberty to contract a marriage if he or she so desires. Mr. Nair quoted certain figures and from these figures one thing was very clear. The number of widowers was very small. Why is it? It is because most of the men had the freedom to marry again even though they became widowers. What is asked for in this Bill is only

to give the same liberty and freedom to women as well. I do not think, Mr. Nair who boasts on the liberty of widow marriage with regard to the major communities will, on principle, object to the giving of freedom to a small set of people? The removal of a restriction becomes justifiable not because of the number of people that have to be satisfied but because of the intrinsic merit of giving freedom to everyone. Is it a proper thing? That is the only question to ask. Sir, we are not at present concerned with the availability of husbands for widows. The Bill does not ask for precipitating the marriage of widows; it only asks for removing the ban on the marriage of widows. Why cannot you do that? Let them compete in the marriage market with other women. I do not think Mr. Nair will seriously object to that. I was not able to find any substantial reason brought forward against the principle of this Bill.

The Statement of Objects and Reasons shows that the Bill follows very closely the British Indian Act XV of 1856. The only improvement is with regard to Clause 5 which is a reasonable one and in accordance with the rulings of our High Court. The various clauses can be considered in the Select Committee and necessary changes can be adopted if a case is made out for any change.

The only question for consideration is, whatever be the number of those persons, whether the ban on them for remarriage should be removed or not. I do not think any civilised person will come forward to oppose this beneficient measure, the principle of which has been applauded by every civilised human being and every reformer In India. I hope this House will unanimously accept the principles of this Bill.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Sir, I wish to——

PRESIDENT: Will the honourable member kindly speak up?

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): As one belonging to a community to which this ban applies, I may be permitted to point out that there are two classes of Vellalas in this State known as the *Makkathayee* Vellalas and the *Marumakkathayee* Vellalas. In order to remove any misapprehension which might prevail among anybody, I may be permitted to say that the honourable lady who brought this Bill belongs to a community where there is no ban on the marriage of widows. As a matter of fact widow marriage was in existence among Nanjinad Vellalas even before the Vellala Regulation came into force. It is for the benefit of the people of the small minority community to which I belong that this Bill has been introduced. I do not think that anybody in an enlightend country like Travancore will oppose this Bill.

MR. A. THANU PILLAI (*Trivandrum - Rural*): I wish to put a question to the member. According to the existing law the widow will be entitled only to the possession of property as a limited owner. Does the member want her to possess only that right?

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): I will go further and say that she must be given the fullest right.

MR. A. EASWARA PILLAI (*Kalkulam II*): Sir, I support the principle of the Bill. I welcome this piece of social legislation and thank the honourable lady member for introducing this Bill in Travancore though late. As pointed out by Mr. Chidambaram Pillai there are very many communities among whom this ban exists in Travancore. I belong to one of those communities wherein early marriage is compulsory and widow remarriage is not prevalent. Social reformers find it extremely difficult since there is no legal sanction for the remarriage of widows. Being a permissive measure I don't think that there will be any opposition to this bill to remove legal obstacles and the legitimising of the issues born after remarriage.

MR. K. R. ELENKATH (*Kalkulam I*): Sir, I rise to support the principles of this Bill. The only member who opposed the Bill, I mean Mr. S. Nair, has not pointed out any valid objection to the introduction of such a valuable measure. The question was raised by a member whether there is any demand from the Brahmin community for such a Bill. Sir, to me it seems that if there is any community which needs the benefits of such a bill it is the Brahmin community more than any other; for it is in that community that pre-puberty marriage are made compulsory. We find in the community widows of the ages of 12, 13 and 15. Is it not cruel to compel such innocent children, as I would call them, to refrain from marriage in the real sense of the word and spend all their lives in the monotony of unmarried or widowed solitude.

My friend, Mr. S. J. Nair, feared that this measure is intended to effect a revolution in this country. He said he would not be surprised if such a measure is passed in Germany or in Italy.

MR. S. J. NAIR (*Nedumangad*): I never feared that there will be any sort of revolution. All that I said was that such a Bill is quite unnecessary for our State.

MR. K. R. ELENKATH (*Kalkulam I*): I fear that my friend seems to have forgotten that this Bill is but a piece of permissive legislation. This measure will only take away the ban on the widows who remarry by removing all legal disabilities which they are at present subject to. There have been instances where parents have given their widowed daughters in marriage against unpleasent opposition. In South Travancore I know a leading member of the Chetti community who dared to give his widowed daughter in marriage to a decent and well-to-do young man in spite of public opinion. He did it in the face of social ostracism. I only want that such marriages should be legalised.

MR. S. J. NAIR (*Nedumangad*): May I know whether that prominent Chetti survived that social ostracism or not?

MR. K. R. ELENKATH (*Kalkulam I*): He did survive it. He got support from the people among whom he lived and the younger generation of his own community, although the members of his community in general did not support him. I think that some of the clauses in the Bill needs alterations and improvements. There are a few objectionable clauses also, but I do not propose to speak on them now. The

select committee can discuss the Bill in detail and come to a satisfactory conclusion in respect of those clauses. With these words, I support the general principles underlying the Bill.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Pattanapuram cum Kunnattur*): I have very great pleasure in supporting the motion before the House. Mr. S. J. Nair in opposing the principle of the Bill stated that such a Bill is quite unnecessary. Mr. S. J. Nair's reason is that remarriage of widows is very common in Travancore. If that statement is true it is all the more necessary that such marriages should be legalised by a legislative enactment. It is a misnomer to call the marriages at present as marriages. They are not marriages but concubinage. These remarriages should be legalised, for otherwise the children born of such marriages will be illegitimate and no legal rights would flow from such marriages. I would therefore for the very reason on which Mr. S. J. Nair opposed the motion, support it.

Another reason pointed out in this connection was that the number of people who would be affected by this law is very small. I submit that is no reason at all for opposing a measure of the kind. The other day this Assembly passed a law for the Kshatriyas of Travancore. They number only about 700. That being the case, even though the number that will be affected is few, legislation, if necessary may be undertaken. Even if their number is few it is the bounden duty of the Legislature to pass a law which is beneficent and necessary. There is a similar law in British India and I do not see why we also should not follow the example of British India in this respect. For these reasons I heartly support the principle of the Bill.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): Sir, I also support the principle of the Bill. The status of Hindu widows in societies and the incidence of the widows' estate in Hindu law are the main topics that confront the Hindu lawyers. Many of the enlightened Hindu lawyers and social reformers have made certain inroads into the orthodox conception of the Hindu widows' estate.

According to the old lawyers there were three ways in which a Hindu widow was to end her life or spend her after-life as the case may be. The first stage was in relation to *satism*, i. e., cremation of wife with the dead husband. For a very long time this cruel practice was in vogue. Later on it was made penal and completely abolished. Then the next stage of a Hindu widow is to lead the life of an ascetic. She is to spend her life in asceticism. It is that practise which prevails in the higher circles of a Hindu society. In the lower strata of the society remarriage is allowed. Some of the law writers in Hindu Law have allowed remarriage. One of the writers Narada has imposed five conditions in regard to the remarriage. If the whereabouts of a husband are not heard of for some time or if the husband is alleged to be dead or if he becomes impotent and things of the kind, even the most orthodox view of the Hindu Law is that such a female can resort to remarriage. Hindu remarriage is not against even the orthodox principles of the Hindu Law.

[Mr. R. Sivaraman Nair.]

There is the question of divesting the property of the estate of a widow when she gets herself remarried. That is one of the changes made in the Bill. In British India the rule that is prevalent is that as soon as a widow gets herself remarried she will lose all her interest in her first husband's property. She ceases to have a right of maintenance under the Hindu Law. Some of the High Courts in British India have held that the interest of the widow in an estate of the deceased husband will cease as soon as she remarries. This is the trend of decisions of the majority of the High Courts in British India. In Madras from I Madras onwards this is the trend of the decisions. It goes on the analogy that a wife is the part and parcel of the husband and so when the husband is dead, the wife that is living gets a right in the estate of the deceased husband; but soon after remarriage she ceases to be a 'part' of the deceased husband and then she loses all her rights in the estate of the deceased man. This is the course of reasoning in I Madras. But our High Court has dissented from this view. Our High Court after reviewing the British Indian cases refused to follow the I Madras case and the other British Indian cases as they are against the principles of justice and equity. The variation in this respect made by the mover of the Bill is not at variance with the rulings in our High Court, though the British Indian law is different. Nor is it against the principles of justice and equity. With these observations I support the principle of this Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, I am at one with all my friends who supported the principle of the Bill. It should not be forgotten that there are special attractions so far as the present Bill is concerned. The Widow Re-marriage Act of 1856 has been in operation in British India for the last 80 years. The mover of the Bill herself stated that in spite of the Bill the percentage of widows obtaining in British India is more than the percentage of widows obtaining in this country. Why is it that the Widows Re-marriage Act of 1856 has not been able to check the growth in the number of the widows in British India? Why is it that the orthodox Hindus have not taken to the privileges conferred by this course of legislation that was enacted so early as 1856? It must be because that legislation contained some inherent defects. Of course in the first place it gives liberty to the individual to enter into marital alliance. But it does not deprive the evil effects that follow from such a union. The property that is vested in the widow after her husband's death is automatically taken away the moment she gets herself remarried. As Mr. Changanachery Paramesvaran Pillai pointed out if such marriages are not legalised they will be called concubinage. The mover concedes that even in spite of the existence of the Act the widow's position has not improved to any appreciable extent. We are of course ahead of the times. We are liberal-minded in the matter of conferring privileges and liberties on individuals. We are ready to remove the disabilities wherever they exist.

But I am afraid the mover of the Bill has not kept in view certain principles which the Bill would come into conflict with. I would like to point out one or two instances of that. In the matter of giving individual liberty in marriage to widows no civilized person will raise any reasonable objection. Clause 1 is unobjectionable. I have to say a word about Clause 4.

Clause 4 reads thus:

> "A widow who has not completed her sixteenth year and whose previous marriage has not been consummated shall not re-marry without the consent of her guardian, *viz.*, her father, her mother, or her next male relative.
>
> The consent of the guardian shall be presumed until the contrary is proved.
>
> In the case of a widow who has completed her 16th year, or whose previous marriage has been consummated, her own consent shall be sufficient to constitute her remarriage lawful and valid."

I submit that this Clause makes a large innovation in the law of guardianship because the mover says that when a widow who has not completed her sixteenth year marries even without the consent of the guardian the presumption is that the marriage is with the consent. That, I submit, cannot be permitted. Any presumption accorded by law shall be when we deal with the case of girls of mature age.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): If the marriage takes place, is it not accepted as a fact accomplished?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Yes, in the case of persons who are legally able to contract a marriage. If it is made applicable in the case of a widow who has completed her 16th year, then I can understand that. Ordinarily when does a girl attain puberty? I find from the Census Commissioner's report and from books dealing with sexual science that the ordinary age is 12. If therefore a girl who has been married much earlier than 12 and the husband dies a few months after consummation, say in her 12th year, it would appear that the mover of the Bill wants to confer liberty on the girl to contract a second marriage. Does it not go against the rights and privileges enjoyed by the guardians who are responsible for the maintenance and education of these girls. The mere fact that the parents granted permission for her to consumate the marriage appears to confer upon her the right to enter into any sort of marriage. No country has recognised the effect of consummation as a right to enter into a legal marriage contract. I submit, it will certainly inflict some of the fundamental principles recognised by this State. We find that the age of marriage under the Nayar Regulation, the Ezhava Regulation, the Vellala Regulation and the Christian Succession Regulation is fixed at 16. The consummation has never been treated as confering a right upon a girl to enter into any matrimonial alliance.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Then with whose consent should such a girl marry?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): She may marry with anybody's consent. The fact of consummation should not confer upon her the right to enter into a marriage.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): According to the member who is the guardian that shall give such right? Is it her father, mother, brothers or anybody else?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I did not consider that question in the aspect in which the learned Law Member has considered it. In the Bill it is stated, "her father, her mother, or her next male relative." Naturally it is the father who is considered to be the legal guardian of the daughter. In the absence of the father, it is the mother, then the next male relative and so on. I am not concerned with the class entitled to guardianship. But I am concerned with the right of the girl who has been able to consummate to enter into a marriage relation. The law relating to marriage of an unmarried girl should be made applicable to the case of a marriage of a widow. The other distinction should not be made. The age of consent should be the same. Otherwise it would bring in great disaster in the family and parents will be put to great difficulties.

The next inroad the learned mover seeks to make is this. The Hindu widow is put on a parallel with the life insurance institutions. Under a life insurance scheme there is no objection in one individual insuring his life in ever so many other life insurance companys so that when death takes place the accumulated amount would devolve upon the beneficiaries. Let us read Clause 5. "No right or interest which any widow may have in her deceased husband's property by way of maintenance........." Let us stop there. Under the ordinary law even if she does not live in the family she gets maintenance. Here what happens is this. A dies leaving a young Hindu widow. She is entitled to maintenance from her late husband's property separate or ancestral. Suppose she enters into marriage relation with another man. She has got the resources of her new husband as well as the properties of the old husband. Suppose she goes on at this rate (*Laughter*). There is nothing disabling her from doing so. In a way it revolutionizes the Hindu Law governing Hindu families. Even though she is living with her new husband she is entitled to claim maintenance from her late husband's family. In all systems of law a wife is entitled to be maintained by the husband with whom she is living. A change like the one sought to be introduced by this Bill, I submit, is highly objectionable. When a widow is remarried I can understand that the property vested in her should not be divested. But the right for maintenance is a very different thing and should not be allowed. We should not attempt to so revolutionize the Hindu law as to make this suggestion unacceptable to the majority of the Hindus. Of course if it relates to past maintenance then there can be no dispute.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether the Nair widow is not entitled to the property of her deceased husband?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): It is by way of inheritance that she gets a share.

Therefore this Clause might require a considerable alteration.

In regard to other Clauses there cannot be much objection. As has been stated here this Bill is introduced by a member belonging to a community not affected by the provisions relating to widow marriage and probably it may be the reason why the member has not been able to forecast the serious objections with regard to a provision like this. As I submitted, as regards Clauses 1 and 2 there cannot be any objection. If radical changes are not made with regard to Clauses 4 to 6, I fear this Bill will meet with serious objection. With these words I support the principle of the Bill.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): I do not wish to be behind other non-official members of this House in giving my support to the principle underlying this Bill. (*Hear, hear*). The question, to my mind, is one which has to be examined not from the point of view of the men affected, but from the point of view of the women affected, (*Hear, hear*) and it appears to me that the lady member who has brought this Bill before this House must have done so, after carefully considering their views to which she has presumably better access than others. The miserable condition of some widows under existing arrangements is one that calls for sympathy and succour. That attitude of mind must have actuated her to bring a Bill like this before this House. Sir, no doubt we must expect a certain amount of opposition from certain quarters. But if the opinion of the women for whose amelioration this Bill is brought is ascertained I doubt very much whether they would oppose it.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether the All India Women's Conference has not passed resolutions supporting this?

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Yes, that is why I said so. Educated women throughout India are advocating this measure in no uncertain voice.

As regard the details, there is very great force in the observations made by Mr. Puthupalli Krishna Pillai that Clauses 4 and 5 will have to be very carefully considered at the Select Committee stage. Of course, I can speak a great deal in support of the principle from many whereabouts, but it is not necessary as there is practically no opposition. With these words I strongly support the principle of the Bill.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): Sir, I am in favour of this piece of legislation for the benefit of men as well as of women. Mr. S. Paramesvara Aiyar asked us to look at this question from a woman's point of view. But man's cause is woman's also. I am glad to find that there is little or nothing in the way of opposition for a legislation of this character. If we had been living before Ram Mohan Roys' time and that of others of his school some opposition might have been natural. So far as I have been able to see there is a great necessity for a Bill like this. I wanted to speak Sir, a little earlier, but I was waiting to see what the trend of opinion is, not because I was unwilling to express my own views but because I thought by listening to others I could get a clearer view of the issue before the House. Two points were suggested by Mr. Puthupalli Krishna Pillai and I agree with him.

[Sadasya Tilaka T. K. Velu Pillai.]

The question of consummation, when it is raised to the pedestal of an issue in a court of law, will have very grave consequences. I wish that may be let alone. And with regard to the proofs required, that will necessitate examinations of a very inconvenient character. The second point is with regard to the estate of the widow. That is an even more important aspect. A man leaves his property to his wife and children. He does so impelled by the urge of love as well as by the urge of a sacred duty. A man leaves his name to his family to be continued as long as that family exists in this world. According to the Hindu Law the duty of a wife to a husband is not entirely devoid of a religious or social character. It is not merely a legal status. So that, though we are living in times when "*sradha*" is looked down upon, still, we find that was the basis according to which devolution of property was regulated in India. If A succeeds to the property of B there is some assurance that certain ceremonies and religious duties imposed by the Law and Custom should be complied with by A. Suppose a husband dies leaving his properties by will to his wife. The House ought to consider the question whether the deceased entertained the idea that his wife would take another husband and help that husband with the money that he has left her.

MR K. KUNJUKRISHNA PILLAI (*Quilon I*) : May I know how we can ascertain these expectations ?

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*) : That is a very easy question to answer. Ordinarily a person who belongs to a decent society can be subject to only certain conceptions which the society holds except in cases of certain ill-educated and indecent individuals. If for the reason B lives with A and if in deference to love and other marital relationships the property goes to her she might be permitted to carry out those acts. All that I mean in this connection, is that the question needs examination. With these observations on these two points I support the principle of the Bill.

MR. K. PADMANABHAN (*Chirayinkil I*) : Sir, I am in perfect agreement with the principle of the Bill. The honourable members who preceded me said that this is a very necessary piece of legislation. The arguments of the only dissentient member have been met by my predecessors. Sir, I am particularly glad to hear Mr. Paramesvara Aiyar, who is the only non-official Brahmin now present......(No. No.)

PRESIDENT : Order. Order.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*) : May I know why the honourable member is particular about me ?

MR. K. PADMANABHAN (*Chirayinkil I*) : Out of consideration Sir.

MR. S. J. NAIR (*Nedumangad*) : May I remind the honourable member that there is another Brahmin non-official member, Mr. Sambasiva Aiyar.

MR. K. PADMANABHAN (*Chirayinkil I*): He is not present. Sir, to continue what I was saying, the question of a widow's life estate after her remarriage is an interesting one. Certain honourable members who preceded me hold that the provisions relating to the conditions of the life estate after the remarriage are not quite acceptable Well, that is a matter which requires a careful consideration in all its aspects. Sir, this piece of legislation in my humble view is a boon particularly to that class of widows who have not yet attained puberty. In all communities where there is a ban against remarriages, I believe marriage takes place before the attainment of puberty. So much so, among this class of widows we find a good many who have not attained puberty. In the case of such young girls just to give them an opportunity of knowing what exactly a married life is, this Bill is really a boon. In that respect I must say that this Bill goes a long way in improving the morale of the women folk. Sir, with these observations, I heartily support the principle of the Bill.

(At this stage the President left the Hall and the Deputy President occupied the Chair.)

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli I*): Sir, I rise to support the principle of the Bill. There is no doubt that the provisions contained in the Bill are of a healthy nature and are calculated to improve and develop the condition of Hindu widows in the State. Though it is not conducive to any advantage of those communities which recognise remarriages it is of immense benefit to those communities which forbid remarriages by custom or religion. Of course, I may candidly confess that my community along with that of the mover of the Bill is not in any way benefited by the Bill. I am proud to state that my community has been enjoying this privilege from time immemorial. Of course so far as this Bill is concerned, there can be no serious opposition from any quarter.

MR. S. J. NAIR (*Nedumangad*): May I know which is the honourable member's community?

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): The same as that of the honourable member himself. Sir, if there can be any opposition at all it can only be from Brahmin and other Pandi Sudras.

Sir, this is a very healthy measure and as such it will do much good to the communities which are forbidden to conduct remarriages. I know several instances in which young Hindu girls have lost their husbands. I know there are even child widows in the State. To think that these young girls will indeed be relieved of their suffering, is really joyful and it will be a great boon to them. I must say if this Bill is passed into law it will be a great asset to the statute book of Travancore. With these words I support the Bill.

DEPUTY PRESIDENT: The House will now adjourn and meet again at 2 o'clock.

The House adjourned at 1 P. M., and met again at 2 P. M., with the Deputy President in the Chair.

MR. P. C. NARAYANAN BHATTATIRIPAD (*Travancore Jenmies, South*): സർ, ഈ ബില്ല് നിയമമാക്കുന്നതുനിമിത്തം മലയാളബ്രാഹ്മണരുടെയിടയിൽ വൈദികമായും സ്വത്തവകാശക്രമപരമായും വളരെ മാററങ്ങൾ വരുവാനിടയുണ്ടെന്നാണ് എന്റെ ബോദ്ധ്യം. ഉദകപൂർവ്വം എന്ന ഒരു വൈദികകർമ്മം കൊണ്ടാണ് ഒരു മലയാള ബ്രാഹ്മണകന്യകയെ ആദ്യമായി മറെറാരു കുടുംബത്തിലെ അംഗവും അവകാശിയുമാക്കി തീർക്കുന്നതു. ഇങ്ങനെ ഉദകപൂർവ്വം ചെയ്യുന്നയാളാണ് ആ കന്യകയുടെ രക്ഷകർത്താവെന്നാണ് ശാസ്ത്രവിധി. ഒരു കന്യകക്കു ഉദകപൂർവ്വം ചെയ്തുകൊടുക്കേണ്ടതു് അച്ഛനാണ് അച്ഛന്റെ അഭാവത്തിൽ ആ സ്ഥാനം ശാസ്ത്രസിദ്ധാന്തപ്രകാരം നടത്തിവരികയാണ്. ഉദകപൂർവ്വം കഴിഞ്ഞതിനുശേഷം ആ സ്ത്രീക്കു ജനിച്ച കുടുംബത്തിലെ സ്വത്തിനു യാതൊരു അവകാശവും സിദ്ധിക്കുന്നതല്ല. ഇങ്ങനെയിരിക്കെ ഒരു വിധവയെ രണ്ടാംപ്രാവശ്യം വിവാഹം ചെയ്തുകൊടുക്കണമെങ്കിൽ ഉദകപൂർവ്വം നടത്താൻ ഒരാൾ ഉണ്ടാവേണ്ടിയിരിക്കുന്നു. വിധവാവിവാഹം നടപ്പാക്കുന്നു എങ്കിൽതന്നെയും ദൈവീകം, വൈദീകം, പൈതൃകം, നിത്യം, നൈമത്തികം ആദിയായ കർമ്മങ്ങൾ നടത്തുന്നതിനുള്ള പദ്ധതികൾ അതനുസരിച്ച് രൂപീകരിക്കാതെ നിവൃത്തിയില്ലെന്നുവരും. ആചാരസംബന്ധമായി അങ്ങിനെഒരു പരിഷ്കാരം വരുത്തേണ്ടതായാവശ്യം ഇപ്പോൾ വന്നിട്ടില്ല.

മലബാറിലും തിരുവിതാംകൂറിലും മലയാളബ്രാഹ്മണരുടെയിടയിൽ ആ വിധത്തിൽ നടന്ന രണ്ടു വിവാഹങ്ങളെ സംബന്ധിച്ച സിവിൽ കേസുകൾ ഉത്ഭവിച്ചതായിട്ടും, ആ ദമ്പതികൾതന്നെ വളരെ കഷ്ടസ്ഥിതിയിൽ കഴിഞ്ഞുകൂടുന്നതായിട്ടും എനിക്കു മനസ്സിലാക്കാൻ കഴിഞ്ഞിട്ടുണ്ടു്. ഈ കാര്യത്തിൽ സാമുദായികമായും നടപ്പുസംബന്ധിച്ചും എനിക്കു പലതും ഇവിടെ പ്രതിപാദിക്കാനുണ്ടു്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഈ ബില്ലിനെ അനുകൂലിക്കുന്നോ പ്രതികൂലിക്കുന്നോ?

MR. P. C. NARAYANAN BHATTATIRIPAD (*Travancore Jenmies, South*): രണ്ടഭിപ്രായവും എനിക്കിപ്പോൾ പറയുവാൻ നിവൃത്തിയില്ല.

MR. A. THANU PILLAI (*Trivandrum Rural*): നമ്പൂതിരി സമുദായത്തിനു ഈ നിയമം ഹിതമാണോ?

MR. P. C. NARAYANAN BHATTATIRIPAD (*Travancore Jenmies, South*): അല്ലെന്നാണ് എന്റെ അറിവ്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): മലബാറിലെ നമ്പൂതിരിമാർ ബ്രിട്ടീഷിലുള്ള ചട്ടങ്ങൾക്കു കീഴ്പ്പെട്ടുനടക്കുന്നതെന്നറിയാമോ?

MR. P. C. NARAYANAN BHATTATIRIPAD (*Travancore Jenmies, South*): അല്ലെന്നാണ് എന്റെ അറിവ്.

ഈ ബില്ലിന്റെ തത്വം അംഗീകരിക്കുകയാണെങ്കിൽ ഇതിലേയ്ക്ക് രൂപീകരിക്കുന്ന സെലക്റ്റ കമ്മിററി പല സ്ഥലങ്ങളിലും ചുററി സഞ്ചരിച്ചു ഈ നിയമം ബാധിക്കുന്ന ആളുകളുടെ അഭിപ്രായം അറിഞ്ഞുവേണം ഇതു നിയമമാക്കാൻ.

MR. A. THANU PILLAI (*Trivandrum—Rural*): നംപൂതിരി യോഗക്ഷേമ സഭയുടെ അഭിപ്രായം എന്താണ്?

MR. P. C. NARAYANAN BHATTATIRIPAD (*Travancore Jenmies, South*): യോഗക്ഷേമ സഭയിൽ ഏതാനും ചിലർമാത്രം ചേർന്ന് വിധവാ വിവാഹം വേണമെന്ന് ഒരു നിശ്ചയം പാസ്സാക്കിയിട്ടുണ്ട്. അതോടുകൂടി വലിയ നിലയുള്ള പലരും യോഗക്ഷേമ സഭയിൽനിന്നും പിൻമാറീട്ടുള്ളതായി അറിയാം. തൽക്കാലം ഇത്രയുംമാത്രം പ്രതിപാദിച്ചുകൊണ്ട് വിരമിച്ചുകൊള്ളുന്നു.

MR. K. M. KRISHNAN (*Ambalapuzha I*): സർ, ഈ ബില്ലിന്റെ തത്വത്തോടു ഞാൻ പൂർണ്ണമായി യോജിക്കുന്നു. ഹിന്ദുമതത്തിലുൾപ്പെട്ട ഏതാനും ചില സമുദായക്കാർക്ക് വിധവാ വിവാഹത്തിനു നിയമ പ്രാബല്യം സിദ്ധിക്കാത്തതു നിമിത്തം വളരെ അനാശാസ്യമായ നടപടികൾക്കിടവരുന്നുണ്ട്. അതിനാൽ അതിനു നിയമപ്രാബല്യമുണ്ടാക്കിക്കൊടുക്കേണ്ട കാലം അതിക്രമിച്ചിരിക്കുന്നു. ഇപ്പോൾ ഇവിടെ അവതരിപ്പിച്ചിരിക്കുന്ന ബിൽ ഇതിലേക്കു എത്രയും പര്യാപ്തമായിത്തീരുമെന്നാണ് എന്റെ അഭിപ്രായം. ഋതുവായതിനു ശേഷമേ വിവാഹം നടത്തുവാൻ പാടൊള്ളു എന്നു നിർബന്ധമുള്ള ചില സമുദായക്കാർ ഹിന്ദുസമുദായത്തിലുണ്ടു. ഋതുവാകുന്ന കാലം പത്തോ പന്ത്രണ്ടോ വയസ്സുകഴിയുമ്പോൾ ആയിരിക്കും. ഭർത്തൃ ശുശ്രൂഷക്കു പ്രാപ്തിയുണ്ടാകുന്നതിനു മുമ്പാണ് ഇങ്ങനെയുള്ള വിവാഹം നടക്കുന്നതു്.

MR. P. C. NARAYANAN BHATTATIRIPAD (*Travancore Jenmies, South*) നംപൂതിരിസമുദായത്തിൽ അങ്ങിനെ ഒരു നിർബന്ധമില്ലെന്നു മെമ്പർക്കറിയാമോ?

MR. K. M. KRISHNAN (*Ambalapuzha I*): അറിയാം.

MR. R. RAMAN PILLAI (*Changanachery cum Peermade*): നംപൂതിരിസമുദായത്തിൽ ഋതുവാകുന്നതിനു മുമ്പു വിവാഹം പാടില്ലെന്നു നിർബന്ധമില്ലെന്നറിയാമോ?

MR. K. M. KRISHNAN (*Ambalapuzha I*) : അതും അറിയാം.

ഇപ്പോഴും വിധവാവിവാഹത്തിനു നിയമപ്രാബല്യമില്ലാത്തതുകൊണ്ടു് ബാല്യം മുതല്ക്കു വിധവകളായി കഴിഞ്ഞുകൂടേണ്ടിവരുന്ന അനേകം സ്ത്രീകൾ ഉണ്ടു് എന്നുള്ള സംഗതിയും വിസ്മരിക്കത്തക്കതല്ല. ഭാര്യ മരിച്ചുപോയാൽ ഭർത്താവിനു പുനർവ്വിവാഹം ചെയ്വാൻ അവകാശമുണ്ടു. എന്നാൽ അതു ഋതുവാകുന്നതിനു മുമ്പുള്ള ഒരു കന്യകയെത്തന്നെ വേണമെന്നു വച്ചിരിക്കുന്നതുകൊണ്ടു് നാല്പതോ അൻപതോ വയസ്സു പ്രായമായ ഒരു പുരുഷൻ പത്തോ പന്ത്രണ്ടോ വയസ്സുള്ള ഒരു പെൺകുട്ടിയെ വിവാഹം ചെയ്യേണ്ടിവരുന്നു. മരണം ഒഴിച്ചുകൂടാൻ പാടില്ലാത്ത ഒന്നാണല്ലോ. അൻപതോ അൻപത്തിയഞ്ചോ വയസ്സിൽ വിവാഹം ചെയ്യുന്ന പുരുഷൻ ഒരുപക്ഷെ ഉടൻതന്നെ മരിച്ചുപോയി എന്നു വരാം. അങ്ങിനെ വരുമ്പോൾ അയാളുടെ വിധവയായ പത്തോ പന്ത്രണ്ടോ വയസ്സുള്ള പെൺകുട്ടിക്കു ഇന്നത്തെ നടപ്പനുസരിച്ചു വിവാഹം ചെയ്യുവാൻ നിവൃത്തിയായിട്ടില്ല. ഇങ്ങിനെയുള്ള സംഗതികളുടെ പരിഹാരത്തിനു ഈ ബിൽ പര്യാപ്തമായിരിക്കുന്നതാണ്.

ഇതിനു പുറമെ സാന്മാർഗ്ഗികപരമായ ഒരു വശം കൂടി ഈ ബില്ലിനുണ്ടു്. വൈധവ്യം വന്നശേഷം സ്വഭാവദൂഷ്യം കൊണ്ടോ മററാ പുരുഷസംസർഗ്ഗമുണ്ടായി കുടുംബത്തിനും സ്വസമുദായത്തിനും മാലിന്യം വരുത്താൻ ഇടയുണ്ടു്. ഈ ബില്ലു നിയമമായാൽ അങ്ങിനെയുള്ള മാലിന്യം കുടുംബത്തിനും സമുദായത്തിനും നീങ്ങുന്നതാണു. അതിനാൽ ഈ നിയമം എത്രയും വേഗത്തിൽ നടപ്പിലാക്കി വിധവാവിവാഹം അനുവദിച്ചിട്ടില്ലാത്ത സമുദായങ്ങളുടെ അവശതകളെ പരിഹരിക്കണമെന്നാണ് എന്റെ അപേക്ഷ.

MR. A. THANU PILLAI (*Trivandrum—Rural*) Sir, I also support the principle of this Bill. I thought there will be no voice against it until I heard Mr. Bhattatiripad who told us that the Nambootiris are against such a measure. I am not sure how far the opinion of any particular community has been ascertained in respect of this proposal. But, Sir, it may be taken generally that there may not be any serious opposition to legislation allowing widows to re-marry. If there is any considerable volume of opinion against widow re-marriage in any particular community, such as the Nambootiris, I think provision ought to be made exempting such community.

I then wish to refer to Clause 5. I think that it does not appear to be such a simple matter as it is taken up by some of my friends. It has been suggested that there is absolutely no harm in allowing a widow to enjoy all the rights of her deceased husband's property, even after her remarriage. My friend Mr. Puthupalli Krishna Pillai took the view that in the case of the right of maintenance there is some

difficulty and that it should not be allowed. I want to ascertain particularly the views of such communities as are going to be affected and I was able to get the information of only one of them definitely, I mean my friend Mr. Chidambaram Pillai. He took the view that a widow may be given full right over her husband's property. We are not pushing this legislation to that extent. So far as this is concerned, the question at present is whether in the case of a widow who remarries, her limited estate should be allowed to continue to be vested in her or not.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): She should continue to enjoy it.

MR. A. THANU PILLAI (*Trivandrum-Rural*): That is exactly my difficulty. I do not admit one way or other. Mr. Paramesvara Aiyar was not prepared to say anything. He said that the matter requires consideration.

In the case of a widow who remarries and who is in possession of a limited estate, if the property is vested in her absolutely without any reversion or right for any other, there will be no difficulty. But in the case of widow's estate that is not in her possession there is some difficulty.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): We must say whether the estate will continue or whether the rights will divert. That is the provision that we ought to make.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): What difficulty is then in the widow continuing possession of the estate?

MR. A. THANU PILLAI (*Trivandrum-Rural*): Suppose a widow is in possession of a limited estate. She is burdened with family obligations. There might be minor daughters who should be given in marriage. She re-marries and now she is under the control of a person who probably may be one who is disinterested in the affairs of the family. The young daughter should be given in marriage. The expenditure has to be got from estates which are now in the possession of a stranger. Now what guarantee is there that the affairs of the marriage will be properly conducted. It is a practical difficulty which we should not lose sight of, even when we are looking theoretically at this question. Is it right that the responsibility of the family should be vested with one who is under the control of some stranger? Now there are difficulties of this kind.

Other difficulties also crop up. It is said that it was not advisable to allow the widow to enjoy the belongings of her husband. I do not go so far. If these women have been serving their husband's will they may enjoy his assets after his death. I do not quarrel with that. How can she be in possession of an estate when her husband is changed? The matter has to be gone into by the Select Committee. They have to take evidence.

We ought to ascertain the views of the members of the community; the leading men of the community have to be examined. We would be acting in the dark if we omit to do that. Therefore, if the Bill is referred to a Select Committee, the Committee should take evidence of the communities concerned.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Does the member think that this Bill, if passed into law, will affect the Malabar Brahmin community ?

MR. A. THANU PILLAI (*Trivandrum—Rural*) : As it is, I do not see why it should not.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : In that case, what would happen to the remarried widows of that community who, under the existing law, become members of the tarwad of the husband?

MR. A. THANU PILLAI (*Trivandrum—Rural*) : There is that difficulty also. As I said, there is that difficulty in the case of the Tamil Brahmins also : perhaps the difficulty is greater in the case of the Malayali Brahmins. If the Nambootiris, for instance, do not want this Bill to apply to them, I would even suggest that we ought to exclude them. We ought not to legislate where there is absolutely no demand, although the legislation that we have in view may be equitable and fair on abstract principles.

DEPUTY PRESIDENT : A large number of members have spoken in support of the Bill. I wish to give a chance to those who desire to oppose it.

MR. N. E. VARUGHESE (*Tiruvalla I*) : As a member of the Christian Community, may I speak on this Bill, Sir ?

DEPUTY PRESIDENT ; Mr. Varughese has the right.

Whether particular members oppose or support the principle of the Bill is a matter in which I am indifferent. I merely want to give an opportunity to members who want to oppose the principle of the Bill.

Mr. Varughese may now speak.

MR. N. E. VARUGHESE (*Tiruvalla I*) : As a member of the Christian community, I have great pleasure in supporting the principle of the Bill. We can more or less imagine the position of a young widow who is not permitted to remarry although she may have the desire. I am not in a position to trace the origin of the custom prohibiting the remarriage of widows. It may be very remote. The present custom may have the sanction of ages. Still, according to the opinion now current throughout the world, at any rate throughout India, one can gauge that there is a strong conjoint opinion on the part of the educated section of the affected community towards the total removal of this prohibition of widow remarriage. As such, I have great pleasure in welcoming this Bill.

As suggested by Mr. Thanu Pillai, Clause 5 of the Bill requires a thorough examination. I am sure, that Clause will provoke severe criticism. As a member of the Christian community, I am against that provision. The moment a widow remarries, she ceases to have any connection whatever with the family of her deceased husband As such it is nothing but right to divest her of all interest in her former husband's family the moment she remarries. The provision therefore requires careful consideration. We can do justice to the Clause only after obtaining the evidence of those interested. With these observations I support the principle of the Bill.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Sir, I support the principle of the Bill in so far as it seeks to remove the legal obstacle in the way of the remarriage of widows, and also seeks to legitimise the children born of such remarriages.

Sir, this Bill is supposed to be drafted on the lines of the British Indian Act, XV of 1856. Although it closely follows that Act, it has made a violent departure in one respect, namely, in the matter of the widow's right of maintenance from the deceased husband's estate and her rights over such estate. Under the British Indian Act, whatever right she might have acquired over the estate of her deceased husband she is divested of, immediately after remarriage. Sir, this provision must have been put in the British Indian Act for very good reasons. Therefore, we must think twice before we deviate from it. Sir, the provision in the present Bill, that the remarriage of a widow shall not divest her of her rights over her former husband's estate, is a very undesirable provision and may probably lead to disastrous consequences. It may even be an incentive to the commission of serious crimes, such as murder. It will encourage a tendency in the widow to accumulate wealth by unfair and unscrupulous means. It will promote a tendency in her to be unscrupulous in that matter. I leave it here to the imagination of the honourable members of this House to picture to themselves what the state of affairs would be if this provision in the Bill is passed as it is. It is sure to develop a very unwholesome tendency in the widow to the serious detriment of the society.

In this connection, it would be relevant, Sir, to refer to the British Indian Act. Under Section 7 of that Act, if the remarrying widow happens to be a minor, she has to obtain the consent of her deceased husband's father or paternal grandfather or brother before she remarries. The House will note that it is the consent of her deceased husband's relations, and not the consent of her own father or grandfather, that has to be obtained before she remarries Sir, this provision is closely connected with the provision which lays down that, on her remarrying, she would be divested of all her rights over the estate of her former husband.

Sir, in the present Bill, it is provided that a minor widow who seeks to remarry should obtain the consent of her own father or grandfather. This is a very significant deviation from the British Indian Act. I would suggest that, if we provide that the widow shall not be divested of her rights over her deceased husband's estate if she remarries, we should make it a condition that, if she is a minor, she should obtain the consent of the senior male member of the family of her deceased husband.

Sir, the British Indian enactment has been intended to apply to a very large section of the population in British India, whereas this Bill is going to affect only a very small section of the public here. Therefore, we shall be acting very safely if we follow the British Indian Act in every respect. That Act has been in force there for nearly 80 years

[Mr. S. Chattanatha Karayalar.]

still the necessity has not been felt so far to amend it in any respect. It is therefore desirable that we follow it, without making any change in it.

Sir, Mr. Thanu Pillai, while speaking on the Bill referred to certain other aspects of the widow's estate, namely, that it might be subject to obligations which she could not be compelled to discharge under the provisions of this Bill. He has dealt with it at sufficient length, and I do not want to dilate upon it except to say that the provision in the Bill will lead to complications in the enforcement of the obligations.

Sir, if this Bill is referred to a Select Committee, the provision regarding the devolution of property will have to be considered very carefully. The opinion of the communities concerned will have to be ascertained. The provision should be recast, if necessary, on the lines of such opinion. With these observations, I support the principle of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, in this measure as in all social legislation Government will take an attitude of neutrality unless in some future stage of this Bill they are called upon to intervene.

MR. A. THANU PILLAI (*Trivandrum Rural*): Why not the Government make up their mind definitely even now?

DEPUTY PRESIDENT: I do not think that it is legitimate on the part of the non-official members to ask Government to make up their mind sooner than they can do. This is a matter in which they can act according to their own discretion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to speak more for the puopose of explaining to the House certain implications of the Bill which the House must bear in mind when they divide on this measure. The fundamental principles of the Bill, namely, the withdrawing of obstacles in the way of the marriage of widows is what is covered by the corresponding act in British India. On this point it must be remembered that the proposed legislation is to apply to those who follow the Hindu Law. Those who follow the Hindu Law, namely, the Tamil Brahmins and the Tamil non-Brahmins, form part of a larger society in South India who follow a similar law there. They have also marital intercourse with those in Travancore. If a law to carry out this principle is in operation in British India the House may very well take the view that there is no reason why a similar law should not operate on those who are here and who form but a part of the larger society residing in British India.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): May I ask why for eighty years the Government of Travancore kept silent over this question?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Mr. Thanu Pillai will perhaps answer that question.

What I want to say is that when this House divides on this motion they must not forget that they are trying to provide a legislation which is similar to the one in operation in British India for the past eighty years.

Sir, the Nambootiris will perhaps have to be kept apart. It is a serious matter whether the Nambootiris should or should not be brought within the scope of this Bill. Mr. Bhattathiripad told us that some attempt is being made in British India to apply this law to the Nambootiris. It is perhaps a moot point whether they are governed by Hindu Law as modified by the Marumakathayam system or by the Marumaka thayam law as modified by the Hindu system. Anyhow I think I will be quite right in saying that they do not form part of the large Brahmin community which occupies Travancore and the adjoining British Districts. Further, recently we enacted a law for Nambootiris covering their social rights and we did not think of including this provision in that law. A view may perhaps be taken that to provide them with this law would in any event be a premature step. However, the question of the applicability of this Bill to the Nambootiris is an important point and the committee must consider it carefully. Now I come to the provisions in Clauses 4 and 5 of the Bill. The precise provisions of these Clauses need not weigh with the House very much in accepting or rejecting the fundamental principle of the Bill. Ordinarily when a Hindu woman is married she goes into the guardianship of her husband. If she marries after the death of her husband she will go into the guardianship of her next husband. If we postulate that a widow shall not remarry without the consent of her guardian she must necessarily marry with the consent of her husband's relations. Perhaps that condition will never be fulfilled. I think that, that was perhaps in the mind of Srimati Narayani Amma when she framed Clause 4. Even though a married woman is under the *legal* guardianship of her husband, she is under the natural guardianship of her father and mother until the consumation of the marriage. Therefore, perhaps, Srimati Narayani Amma has provided for the consent of the father and mother. Marriage should be perfectly valid even though the *legal* guardian has not consented to it, that, I think, is the idea underlying that Clause.

In Clause 5 certain changes are proposed which certainly jar with the notions of Hindu Law. Students of Hindu Law cannot conceive that those who go out of the deceased husband's family can still retain any right in that family, particularly the right to be maintained out of that family. According to Hindu Law conception the marriage of a Hindu woman means that she merges in the family of the husband. How can she be conceived of as going into another family and yet retaining rights in the first husband's family? That certainly is an anomaly having regard to Hindu Law conceptions. But this Bill is proposed with a view to social justice. If the principle of a widow marrying again is accepted, then, a view may be taken that it will be in consonance with justice that whatever right she has in her first husband's family will go with her. A different view also may be taken. I may perhaps make a sporting remark, in reply to Mr. S. J. Nair's remark: why not she take with her this right to maintenance from

[Mr. Kayalam Parameswaran Pillai.]

the first husband's family so that she may readily find a new husband who need only go and live with her. (*Laughter.*) I quite grant that some of the principles underlying the Bill are revolutionary. But the most revolutionary conception is the conception of a Hindu widow marrying again. If you can reconcile yourselves with that, there is nothing else which it is difficult to reconcile with. There is nothing in this Bill which is more revolutionary than the idea of a widow marrying again. The removal of legal obstacles to a second marriage will, I am sure be acceptable to the House generally. But the inclusion of Nambootiris within the purview of the Bill will of course require considerable thought. I am sure that a Select Committee will look into all aspects very carefully.

MR. T. T. KESAVAN SASTRI (*Nominated*): സർ, ഈ ബില്ലിന്റെ തത്വത്തെ ഞാനും അനുകൂലിക്കുന്നു. കാലാനുസൃതമായ ഈ നിയമത്തെ അനുകൂലിക്കാത്തവർ അധികമുണ്ടാകുമെന്നു തോന്നുന്നില്ല. ഈ ബില്ലിന്റെ സ്വീകരണത്തിൽ പ്രത്യേകം അഭിനന്ദനം രേഖപ്പെടുത്തേണ്ടിയിരിക്കുന്നു. വിധവാ വിവാഹനിരോധനം ഒരു നിയമത്താൽ ഉണ്ടായിട്ടുള്ളതാണോ എന്നറിയുന്നില്ല. എന്തായാലും ഹിന്ദുമത വിഭാഗങ്ങളായ ഏതാനും സമുദായങ്ങൾ പാരമ്പര്യമായി ഈ ആചാരത്തെ ഇന്നും അംഗീകരിച്ചുവരികയാണ്. ഈ നയത്തിൽ അസുഖവും അസംതൃപ്തിയും എതിരഭിപ്രായവുമുള്ളവർ ധാരാളമുണ്ട്. കാലഗതിക്ക് അനുയോജ്യമല്ലാത്തതിനാൽ വിധവാവിവാഹനിരോധനത്തെ നിയമത്താൽ നിയന്ത്രിക്കുവാൻ പരിഷ്കർത്താക്കളും ഗവണ്മെന്റുകളും മുൻനിന്ന് വേണ്ടതു ചെയ്യുന്നുമുണ്ടല്ലോ. വിധവാവിവാഹനിരോധനത്തെക്കുറിച്ചു വിശാലമായി ചിന്തിക്കുന്ന യാതൊരാൾക്കും ഈ ആചാരത്തിന്റെ അനാശാസ്യതയെക്കുറിച്ചറിയുവാൻ സാധിക്കുന്നതാണ്. വിധവകളുടെ അകാലദുഃഖവും അതിദയനീയമായ ജീവിതവും ആരായുന്നതായാൽ എത്രയും വേഗത്തിൽ ഈ ബില്ല് അംഗീകരിച്ചു നിയമമാക്കേണ്ട ആവശ്യം ഓരോ മെമ്പറന്മാർക്കും മനസ്സിലാകുന്നതാണ്. ഇവിടെനടന്ന പ്രസംഗങ്ങൾ ഭൂരിപക്ഷവും ബില്ലിന്റെ തത്വത്തെ അംഗീകരിച്ചുകൊണ്ടുണ്ടായിട്ടുള്ളതുമാണല്ലോ. നിയമങ്ങൾ പൊതുജന ക്ഷേമത്തിനാകയാൽ ഈ ബില്ലും ഏററമാവശ്യമാണെന്നുള്ളതിനു സംശയമില്ല.

സർ, ഏകദേശം ഇരുപത്തിയഞ്ചുവർഷങ്ങൾക്കു മുൻപ് ഹിന്ദുമതാവലംബികളായിരുന്ന അധഃകൃതർപോലും വിധവാവിവാഹത്തെ നിരോധിച്ചിരുന്നതായി അറിയുവാൻ സാധിച്ചിട്ടുണ്ട്. മതപരമോ സാമുദായികാചാരപരമോ ആയി നിലനിന്നിരുന്ന ഈ രീതി ക്രമേണ അധഃ

കൃതഹിന്ദുക്കളുടെ ഇടയിൽനിന്ന സമുദായപരിഷ്കാരികൾ കാൎയ്യമായി നീക്കിയിട്ടുള്ളതായും അറിയുന്ന വളരെ കാലങ്ങൾക്കുമുൻപ് മുതൽ ഉണ്ടായിരുന്നതും, ന്യൂനപക്ഷക്കാരെങ്കിലും ഹിന്ദുമത വിഭാഗങ്ങളിൽ കുറെ ആളുകളെങ്കിലും സ്വീകരിച്ചു വരുന്നതുമായ വിധവാവിവാഹ നിരോധനാചാരം ഇന്നത്തെ കാലസ്ഥിതിക്ക് ഇനിയും മുമ്പോട്ടു നയിക്കുന്നത് ഒരു തരത്തിലും ആശാസ്യമല്ലെന്നാണ് എന്റെ അഭിപ്രായം. അനവധി പരിഷ്കാര പദ്ധതികൾക്ക് പുറമെ അപ്രതീക്ഷിതമായി അഭൂതപൂൎവ്വമായി ആത്യാഹ്ലാദകമായി സകല ഹിന്ദുക്കൾക്കും ഒരു പോലെ ക്ഷേത്രപ്രവേശനം പോലും ലഭിച്ചിരിക്കുന്ന തിരുവിതാംകൂറിലെ ഒരു ഹിന്ദുവിഭാഗത്തിനും വിധവാവിവാഹ നിരോധനം നിമിത്തം കുറവ് നിലനിറുത്താൻ പാടില്ലെന്നും കൂടി ഞാൻ അഭിപ്രായപ്പെട്ടുകൊള്ളുന്നു തിരുവിതാംകൂറിന്റെ സൽകീൎത്തി എല്ലാവിധത്തിലും എങ്ങും ഉൽബുദ്ധമായിട്ടുള്ളതാകുന്നു. ഈ ബില്ലിന്റെ അംഗീകാരത്തിലും അനത്യധികം പ്രചുര പ്രചാരമാകുവാനെ ഇടയുള്ളു. വല്ല ഭേദഗതികളും ആവശ്യമെന്നുണ്ടെങ്കിൽ ഇന്നും ഈ ആചാരത്തിന് വിധേയരായസമുദായാംഗങ്ങളുടെ അഭിപ്രായമറിഞ്ഞു് വേണ്ടതു ചെയ്യാൻ നിയോഗിതമാകുന്ന സെലക്ററു കമ്മററിക്കു സാധിക്കുന്നതാണ്. അതിനാൽ ഏററവും പ്രയോജനപ്രദവും ആവശ്യാവശ്യവുമായ ഈബില്ലിനെ എല്ലാ മെമ്പേഴ്സും അനുകൂലിക്കുകയും ഗവൎമ്മെന്റു അംഗീകരിച്ചു് നിയമമാക്കുകയും ചെയ്യുവാൻ അതീവ താല്പൎയ്യപ്പെട്ടുകൊണ്ടു് ഞാൻ ഇതിനെ ബലമായി അനുകൂലിച്ചുകൊള്ളുന്നു.

SRIMATI T. NARAYANI AMMA (*Nominated*): I am glad to find that the principle of the Bill is supported by almost all the honourable members. Sir, it was after consulting various members, both men and women of various communities who will be affected by this Bill, if it is passed into law, that I made myself bold to introduce this measure. Sir, there was not even a single word of opposition. All that they wanted, was to make this a permissive measure. As the Law Member said we are now concerned mainly with the principles of the Bill and if that is accepted, whatever defects that may be found in Clauses 4, 5, or 6 can be rectified during the committee stage. I therefore, again request the House to support the principle of the Bill.

DEPUTY PRESIDENT: The question is that the general principle of the Bill be affirmed.

The general principle of the Bill was affirmed.

The Secretary to the Sri Mulam Assembly then read the title of the Bill:—"The Travancore Hindu Widows' Remarriage Bill."

SRIMATI T. NARAYANI AMMA (*Nominated*): Sir, I beg to move that the Bill be referred to a Select Committee consisting of the following members :—

Messrs: T. K. Velu Pillai.
Rao Sahib Mahakavi S. Paramesvara Iyer.
Miss. Hepzibah Gnanasikamoney.
P. Chidambaram Pillai.
K. A. Narayana Pillai.
G. Nilakantan.
A. Thanu Pillai.
K. Padmanabhan.
K. Kunjukrishna Pillai.
K. R. Elenkath.
A. Easwara Pillai (Kalkulam II).
N. E. Varughese.
T. T. Kesavan Sastri.
P. C. Narayana Bhattatiripad.
T. P. Velayudhan Pillai.
M. Sivatanu Pillai.
S. Chattanatha Karayalar.
Kayalam Paramesvaran Pillai,
T. Narayani Amma.

MISS. HEPZIBAH GNANASIKAMONI (*Nominated*): I second it.

DEPUTY PRESIDENT: The Committee will report within four months.

THE TRAVANCORE KAMMALA BILL.

MR. G. NILAKANTAN (*Nominated*): Sir, I beg to move that the Travancore Kammala Bill be taken up for consideration. Copies of the Bill have been circulated to the members long ago. The details of the Bill have been dealt with in the statement of Objects and Reasons.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): I second it.

MR. G. NILAKANTAN (*Nominated*): I will now proceed to make a few observations on the details of the Bill.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Before we proceed, Sir, I wish to make one observation. Certain papers and memorandum and copies of certain speeches have been put on our tables by somebody, by whom we do not know. I wish to know whether it was done by Government or whether any authorised agency has put these bunch of papers. I may also say that these contain highly defamatory statements concerning the member who introduces this Bill and makes vile and unscrupulous allegations against him. I wish to know whether it is right that such things containing unauthorised publications be circulated here.

DEPUTY PRESIDENT: Mr. Kunjukrishna Pillai has raised a point of considerable importance and I asked the Secretary of the Assembly on the matter. He tells me that the Government have not placed those

papers on the table. With regard to the circulation of papers in this House I hope it will be understood and also acted upon that unless some responsible person acts in a responsible manner, such circulation must not be allowed. For, it will lead to complications of a serious character. The principle itself is wrong. This House is not a kind of no man's land where anybody can do anything he likes. I trust that sufficient care will be taken to prevent irresponsible circulation of papers in this House.

MR. G. NILAKANTAN (*Nominated*): The Kammalas in Travancore are divided into two sections; the Pandi Kammalas and the Malayala Kammalas. This is seen from the Census Report, Page 373. The Malayala Kammalas are divided into 10 sections, consisting of denominations detailed on page 152 of the Census Report Vol. II. The Bill is intended for these classes of people. The Malayala Kammalas number over 1,96,000 and the Tamil Kammalas about 13,000. The desire of the community for a Bill of the kind was felt for a very long time. In the year 1103 when Mr. K. Neelakantan Achari a well-known Sanskrit scholar, author and foremost member of the community became the member of the Sri Mulam Popular Assembly, he brought forward a Bill of this kind and asked the permission of Government to introduce his Bill to regulate marriage, succession &c. of the Kammalas. Then the Dewan-President ordered that the community should organise itself and bring forward a Bill and that Government would do the needful. Unfortunately since no member of the community had the opportunity of acting according to the instructions of the Dewan and bring forward a Bill, being the first member of the Community nominated to this Assembly I took up this question. After consulting the leading members of the community and after having made several researches in the matter I drafted a Bill of the kind, and asked for the permission of Government to introduce this Bill. This Bill was submitted some two years ago. Considerable opposition was made in regard to this Bill. The Government referred the matter to the Division Peishkars. They enquired into the matter and have submitted a report to say that such a Bill is very necessary.

Though the Kammalas are *makkathayees* and are supposed to be governed by the Mithakhshra law in regard to their marriage and inheritance, their law of inheritance has been so changed by custom that they do not practically follow the Mithakhshara law. For instance to establish the validity of marriage, the custom called *Kudivaippu* (കുടിവയ്പ്) has to be proved. In the absence of such proof, no children of the married woman can inherit the self acquired or ancestral property of their father.

In my own family a dispute arose, as to succession, which went on for 14 years. My father claimed through the female line and the opposite party through the male line. My father unfortunately happened to be in the wrong. (*Laughter.*).

DEPUTY PRESIDENT: While recognising the justice with which the mover of the Bill has referred to his father I may say that the details of the transactions in the mover's family are not relevant. Of course a passing reference may be made.

MR. G. NILAKANTAN (*Nominated*): All that I intended to say was that there was and is no recognised law.

The court presumes that they should be governed by the Mithakshara law, but the custom is different. The existing custom allows divorce, widow marriage and remarriage. Unfortunately the custom is abused as there is no restriction by law. One of the objects of the Bill is to restrict divorces. A First Class Magistrate in a maintence suit wrote a judgment in which he remarked "The Kammalas can marry and divorce as they please".

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Have they not appealed to the High Court?

MR. G. NILAKANTAN (*Nominated*): All these cases ended in the middle stage because the parties were too poor to take them to the High Court?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Was it a civil or a criminal suit?

DEPUTY PRESIDENT: That question is irrevelent.

MR. G. NILAKANTAN (*Nominated*): According to strict custom a marriage between a Tamil Kammala and a Malayala Kammala or a marriage between the members of some of the subsections is not allowed. If that is done they become out castes. In Quilon there are families of such out castes.

DEPUTY PRESIDENT: I wish to ask you a question. Is the distinction between a Malayala Kammala and a Tamil Kammala etymological or linguistic?

MR. G. NILAKANTAN (*Nominated*): They now differ in manners, culture, custom and language. It is said they originally descended from the same stock.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Are there not families in which one member takes to the occupation of goldsmith, another silversmith, another blacksmith and still another to the occupation of masonry?

MR. G. NILAKANTAN (*Nominated*): In olden days each section of the community readily stuck on to the profession of their fathers, but nowadays usufruction are not observed and each one pursues the profession for which there is demand.

MR. S. J. NAIR (*Nedumangad*): May I know whether there are not instances in which a Malayalam speaking Kammala has become Tamil speaking Kammala and *vice versa*?

MR. G. NILAKANTAN (*Nominated*): I am not aware. Some, however, pretend to be what they are not.

MR. M. SIVATANU PILLAI (*Tovala*): Are there many pretenders like that?

DEPUTY PRESIDENT: That question is more humorous than substantial.

MR. G. NILAKANTAN (*Nominated*): I want to make these marriages, either between a Tamil speaking Kammala and a Malayalam speaking Kammala or between one section of the Kammalas with another section, valid.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Are they invalid then?

MR. G. NILAKANTAN (*Nominated*): Parties to such marriages are now out castes.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether in the case of a marriage between a Pandy Kammala and a Malayala Kammala which member of the two communities is excommunicated?

MR. G. NILAKANTAN (*Nominated*): Both are excommunicated.

MR. M. SIVATANU PILLAI (*Tovala*): May I know which community is bigger, whether the Pandy Kammala or the Malayala Kammala?

MR. G. NILAKANTAN (*Nominated*): The Pandy Kammala thinks he is bigger while the Malayalam Kammala thinks he is bigger.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Are there not cases of Malayalam speaking Kammala families having gone and settled down in Nagercoil side and become Tamil speaking Kammalas and some Tamil speaking Kammala families gone to north Travancore and become Malayalam speaking Kammalas?

MR. G. NILAKANTAN (*Nominated*): Not to my knowledge I have got 45 years' intimate knowledge of the two communities.

Recently the Madras Government in an order has stated that the Kammalas of Malabar and Tamil countries are two different communities.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether it is the intention of the member to have acleavage between the communities or a combined community?

MR. G. NILAKANTAN (*Nominated*): Now the universal idea is that all men should be of one community whether it be Brahmin, Paraya or Pulaya.

DEPUTY PRESIDENT: Will the member please proceed with his arguments?

MR. P. C. KURIYAN (*Kottayam I*): Is there Kammalas outside Travancore?

MR. G. NILAKANTAN (*Nominated*): Yes.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know whether there are Christian Kammalas?

MR. G. NILAKANTAN (*Nominated*): Yes.

MR. N. E. VARUGHESE (*Tiruvalla I*): May I know whether there are Pandy Kammalas who can speak Malayalam?

MR. G. NILAKANTAN (*Nominated*): Yes, not only Malayalam but Tamil also. Brahmins can speak Malayalam. Even Europeans can speak Malayalam.

DEPUTY DEPUTY: Those surprising answers are not necessary.

MR. N. E. VARUGHESE (*Tiruvalla I*): May I know whether the member is willing to delete the word "Malayalam"?

DEPUTY PRESIDENT: That question does not arise now.

MR. G. NILAKANTAN (*Nominated*): I said polygamy exists in the community. This makes succession difficult. For instance in an important family in Quilon which followed polygamy one of the fathers of the children died (*continued Laughter*) and the remaining father disowned the children.

DEPUTY PRESIDENT: I shall give you an opportunity to correct yourself.

MR. G. NILAKANTAN (*Nominated*): So they could not claim the property which they were entitled to.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know the object of the member in excluding the Tamil Kammalas from the operation of the Bill?

MR. G. NILAKANTAN (*Nominated*): That is because they want to stand aloof.

With the Kammalas generally there is no distinction between self acquired and ancestral properties. The sons can dispose of the properties as they please. But unfortunately two years ago there was a judgment to the contrary. That complicated matters. So we want a definite law as to whether there should be distinction between ancestral property or not.

MR. S. J. NAIR (*Nedumangad*): May I know what the member meant when he said that one of the fathers died, a man having two fathers? Is it the member's opinion that he......

DEPUTY PRESIDENT: We have travelled far away from that. Mr. Nilakantan will proceed.

MR. G. NILAKANTAN (*Nominated*): In some places the properties go to sons and in other places they go to sons and daughters. There is no uniformity. In Mayanad and other places as soon as a man dies, sons and daughters divide their father's property ignoring the claims of all others. That is another system of dividing the properties.

Then, Sir, according to the Mithakshara Law, the widow has only a limited right on the property of her husband. In some cases as soon as a man dies she goes out empty handed. Another defect in the existing custom is that, even if a daughter is married and if she continues to live in her father's house, she is also entitled to a portion of the father's property. All these are stated to show that Kammalas are not governed by the Mithakshara law but by custom.

Now Sir, I come to that provision of the Bill where I have not included the Tamil Kammalas. Sir I have known them for the last 15 years intimately. None of them expressed a desire to come into line with the Malayala Kammalas. If they should only show a gesture or willingness to associate with us I shall be most glad. They are conservatives and they do not want to be moved away from their conservative groove. In Madras, there was a proposal that Tamil Kammalas and the Andhra Kammalas should dine together. But the Andhra Kammalas strongly protested and threatened to break away from the joint association.

MR. A. THANU PILLAI (*Trivandrum—Rural*): When was that?

MR. G. NILAKANTAN (*Nominated*): Last year.

MR. M. SIVATANU PILLAI (*Tovala*): Do the Malayala Kammalas wear any holy thread?

MR. G. NILAKANTAN (*Nominated*): Some people who are fond of reforms wear. But people like myself do not wear holy thread at all.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Do you invest these holy threads to the members of your community.

MR. G. NILAKANTAN (*Nominated*): No.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Is there any rule to the effect that holy thread should be worn in certain religious ceremonies in connection with architectural works in temples?

MR. G. NILAKANTAN (*Nominated*): The sastras say that holy thread is physically and mentally sanctifying and that it should be borne only on occasions of purity as when we make images of deities. It is therefore that we wear it when we make images of deities and perform religious or domestic ceremonies.

MR. K. R. ELENKATH (*Kalkulam I*): Is it not very difficult to distinguish Malayala Kammalas who wear holy thread from Tamil Kammalas?

MR. G. NILAKANTAN (*Nominated*): If imitation succeeds; but language will declare the difference.

Then Sir, coming to the next Section I may say that this Section will apply to Malayalam speaking Kammalas only. Why this Section is included, is made clear in the statement of Objects and Reasons. Malayalam speaking means those Kammalas whose mother tongue is Malayalam. The Malayala Kammalas have their own customs and manners. In the Sastras they follow, in the conception of art they follow, and in the artistic taste they show in making images, there is fundamental difference between a Malayala and a Tamil Kammala.

DEPUTY PRESIDENT: I think we have had enough about that.

This Bill is intended for the Malayala Kammalas. The Tamil Kammalas do not show any desire to have a Bill. They say that the provisions under the Mithakshara Law will be sufficient to their purpose.

Then about marriage and right of succession, we, like the Nairs and the Ezhavas, used to celeberate our marriages by giving cloth.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): How do the other Kammalas celebrate their marriages?

MR. G. NILAKANTAN (*Nominated*): In the same way, they have adopted the Brahminical ways of tying talis.

MR. N. E. VARUGHESE (*Tiruvalla I*): May I know whether the Malayalam speaking Kammalas marry Tamil speaking Kammala girls?

DEPUTY PRESIDENT: Order. That part of the subject, has been dealt with in sufficient detail and considerable fulness. The only point remaining is the provisions of the Bill in relation to the

[Deputy President]

principle underlying the Bill itself. The question of the difference between the Malayala and the Tamil Kammalas has been sufficiently threshed out. No doubt, there is no time limit, specially so called, with regard to speeches, yet I would insist on strict relevancy in the speeches.

MR. G. NILAKANTAN (*Nominated*): The Sections 3 to 8 provide the ways in which marriages can be performed and dissolved.

MR. S. J. NAIR (*Nedumangad*): May I know whether it is the intention of the Section in the Bill that compensation be insisted upon?

MR. G. NILAKANTAN (*Nominated*): Divorce is now cheap and I want to make it as dear as possible.

MR. K. R. ELENKATH (*Kalkulam I*): May I know from the member what is the maximum fixed by way of compensation?

DEPUTY PRESIDENT: It is a matter of detail and is not to be considered in this stage.

MR. G. NILAKANTAN (*Nominated*): Then coming to the Sections dealing with maintenance, Sections 10, 11 and 12 provide ample provisions for this. The provisions will read very drastic but they will stabilise the existing practice.

The Nair Bill and other Bills passed in recent times have done away with the rights of joint property, and they have recognised the individual rights. Chapter IV deals with succession and it makes no distinction between an ancestral or any other property. The relevant Section reads thus:—

> "No person shall on any ground of disability be excluded from inheritance or from a share of the joint family property on partition".

Then Clause 18 reads:—

> "No lineal descendant of any Kammala shall acquire by birth any interest in the property inherited or acquired by such Kammala".

I think, Sir, this is a provision which is absolutely necessary to prevent litigation and to find the means of developing individual resourcefulness. With these words I commend the Bill to the consideration of the House.

MR. N. E. VARUGHESE (*Tiruvalla I*): May I know from the member that among Kammalas different customs prevail in different taluks of the State?

MR. G. NILAKANTAN (*Nominated*): That is why this Bill is brought forward.

MR. N. VELU ACHARI (*Co-opted*): സർ, കമ്മാളബില്ലിനെ സംബന്ധിച്ചു സമുദായത്തിന്റെ അഭിപ്രായം രേഖപ്പെടുത്തുന്നതിനായി എന്നെ ഒരു പ്രതിനിധിയായി ഈ മഹാസഭയിൽ നാമിനേറ്റുചെയ്തതിൽ എനിക്കുള്ള അകൈതവമായ കൃതജ്ഞതയെ ഞാൻ ഇവിടെ ആദ്യമായി പ്രകാശിപ്പിച്ചുകൊള്ളുന്നു.

ഇന്നാട്ടുവിശ്വകർമ്മ സമുദായത്തിൽ തമിഴ് കമ്മാളരെ ഒഴിച്ച് മലയാളകർമ്മാളരെ മാത്രം ഉൾപ്പെടുത്തിക്കൊണ്ടുവന്നിട്ടുള്ള ഒരു ബില്ലാണിത്. ഈ നാട്ടിലെ കർമ്മാളർ ഒരൊററ സമുദായമായി അറിയപ്പെടുന്നവരാകുന്നു. ൨ ലക്ഷത്തിൽചില്വാനം ജനസംഖ്യവരുന്ന ഈ സമുദായത്തിലെ അംഗങ്ങൾ തികച്ചും വ്യവസായികളും കരകൗശലത്തൊഴിൽ ചെയ്യുവരുന്നവരും ഒരേ ഒരു പരമ്പരയിൽനിന്നും വന്നിട്ടുള്ളവരുമാണെന്നും ഉള്ളതിനു ധാരാളം തെളിവുകളുണ്ട്. ഇങ്ങനെ ഒററ സമുദായമായികാണുന്ന ജനങ്ങളെ രണ്ടായിപിരിച്ച് അവരുടെ ശക്തിയെ കുറച്ചും അവരുടെ ആത്മീയമായും, ഭൗതികമായുമുള്ള പുരോഗതിയെ തടയുന്നതിനു പര്യാപ്തവുമായ ഒരു ബിൽ ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ളത് കർമ്മാളസമുദായത്തിനു ഒരിക്കലും അനുയോജ്യമല്ല.

MR. E. K. KUNJU RAMAN (*Nominated*): മെമ്പർ തമിഴ്കമ്മാളനോ മലയാളകർമ്മാളനോ?

MR. N. VELU ACHARI (*Co-opted*): ഞാൻ ഇപ്പോൾ മലയാളംസംസാരിക്കുന്ന കർമ്മാളനായി അറിയപ്പെടുന്നുവെങ്കിലും മുൻകാലങ്ങളിലുള്ള നടപടികളും എഴുത്തുകുത്തുകളും കൊണ്ടു എന്റെ പൂർവികന്മാർതമിഴ് സംസാരിച്ചിരുന്ന കമ്മാളരായിരുന്നു എന്നാണു കാണുന്നത്.

ഈ ബില്ലിനെ സംബന്ധിച്ച് യാതൊന്നുംതന്നെ സമുദായാഭിവൃദ്ധിക്കായി പ്രവൃത്തിച്ചുകൊണ്ടിരിക്കുന്ന പ്രവർത്തകന്മാർപോലും അറിഞ്ഞിട്ടില്ലെന്നുള്ളതു പരമാർത്ഥമായ ഒരു സംഗതിയാണ്. ഇങ്ങനെ ആരെയും അറിയിക്കാതെ ഒരു ബിൽ സ്വന്തമായി എഴുതി ബഹുമാനപ്പെട്ട ഈ അസംബ്ലിയിൽ അവതരിപ്പിച്ച് രണ്ടരലക്ഷം ജനങ്ങൾ അടങ്ങിയ ഒരു സമുദായത്തെ കബളിപ്പിക്കയാണ് ചെയ്തതെന്നു പറയാതിരിക്കുവാൻ നിവൃത്തിയില്ല.

DEPUTY PRESIDENT: നാട്ടുകാരുടെ സമ്മതംകൂടാതെ കൊണ്ടുവന്നു എന്നു പറയാം. അല്ലാതെ നാട്ടുകാരെ ആരെയും അറിയിക്കാതെ കബളിപ്പിച്ച് ഒരു ബിൽ ഈ സഭയിൽ കൊണ്ടുവന്നു എന്നു പറയുന്നതു ശരിയല്ല.

MR. K. M. KURIAKOSE (*Muvattupuza II*): എല്ലാതാലൂക്കിലുമുള്ള കമ്മാളരുടെ അഭിപ്രായം അറിയുവാൻ ഗവണ്മെൻറിൽനിന്നും വേണ്ടനടപടി നടത്തി എന്നുള്ളവിവരം മെമ്പർക്കറിയാമോ?

MR. N. VELU ACHARI (*Co-opted*): അറിയാം. ഒരു സമുദായത്തിന്റെസംഗതി ആ സമുദായത്തിൽപെട്ട ആളുകൾക്കേ കൂടുതലായി അറിയാവൂ എന്നുള്ളതുകൊണ്ടു ഇതിനെ സംബന്ധിച്ച് സംസാരിക്കാൻ

[Mr. N. Velu Achari.]

എറനിക്ക കൂടുതൽസമയം തരണമെന്ന ഞാൻ ആദ്യമേ അപേക്ഷിച്ചു കൊള്ളുന്നു.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : എല്ലാകമ്മാളരേയും ഈ ബില്ലിൻെറ വ്യാപ്തിയിലുൾപ്പെടുത്തുന്നതിൽ വിരോധമില്ലെന്ന ഈ ബിൽ പ്രയോക്താവുതന്നെ സമ്മതിച്ചിരിക്കുന്ന സ്ഥിതിക്ക ബില്ലിൻെറ മൂലതത്വത്തോടു യോജിക്കുന്നതിൽ വിരോധമുണ്ടോ?

MR. N. VELU ACHARI (*Co-opted*) : സർ, ഞാൻ എൻെറ അഭിപ്രായം മുഴുവനും പറഞ്ഞുകൊള്ളട്ടെ. എനിക്ക പ്രധാനമായി പറയാനുള്ളതു് കമ്മാളരുടെയിടയിലുള്ള ഭാഷാവ്യത്യാസത്തെ കാര്യമായി പരിഗണിക്കാൻ പാടില്ലെന്നാണു്. ഈ രാജ്യത്തു മലയാളഭാഷ പ്രചുരപ്രചാരമാകുന്നതിനുമുമ്പ വേറൊരുഭാഷയായിരുന്ന ഉണ്ടായിരുന്നതെന്ന സംഗതി നമുക്കെല്ലാവക്കും അറിയാം. അപ്പോഴപ്പോഴുള്ള ആവശ്യം പ്രമാണിച്ചു പല നാട്ടുകളിൽനിന്നും പെരുമാക്കന്മാരാലും മാഹാരാജാക്കന്മാരാലും വരുത്തപ്പെട്ടവരാണു് കമ്മാളർ എന്ന ചരിത്രം പറയുന്നുണ്ടു്. ഇങ്ങനെ പല ദേശങ്ങളിൽ നിന്നും വന്ന പെരുകിയിട്ടുള്ള രണ്ടേകാൽ ലക്ഷം കമ്മാളർ ഓരോ പ്രദേശങ്ങളിൽ താമസിച്ചു അവിടവിടെയുള്ള ഭാഷവേഷാദികൾ കാലക്രമേണ സ്വീകരിക്കുന്നതിന നിർബ്ബന്ധിതരായിത്തീന്ന എന്നുള്ള പരമാത്ഥം ഇവിടെ പറയേണ്ടതായിട്ടുണ്ടു്. ഇപ്പോൾതന്നെ ഒരൻപതു വർഷത്തിനുമുമ്പ നാഗർകോവിലിരുന്നിന്നും മദ്ധ്യതിരുവിതാംകൂറിൽ താമസം ഉറപ്പിച്ചു അഞ്ചാറു കമ്മാളകുടുംബക്കാർ മലയാളം കുടുംബഭാഷയായി സ്വീകരിച്ചിട്ടുണ്ടു് എന്ന പ്രത്യക്ഷത്തിൽ കാണാവുന്നതാണു്. അതുപോലെതന്നെ വടക്കൻപറവൂർ നിന്നും രണ്ടു മൂന്ന കുടുംബക്കാർ നാഗർകോവിലിൽ വന്ന സ്ഥിരതാമസം ഉറപ്പിച്ചിട്ടു് മുപ്പതു വർഷത്തോളമായി; അവരുടെ ഭാഷ തമിഴായിതിന്നിരിക്കുന്നു. ചില ഭാഗങ്ങളിൽ തമിഴും മലയാളവും കലന്ന സംസാരിക്കുന്ന കർമ്മാളരുണ്ടു്. കർമ്മാളർ വിദ്യാഭ്യാസം ധനസ്ഥിതി ഇവയിൽ വളരെ പിന്നോക്കം നിൽക്കുന്ന ഒരു സമുദായമായതുകൊണ്ടു് അവിടവിടെയുള്ള ഭാഷ സ്വീകരിക്കുന്നതിന അവർ നിർബന്ധിതരായിത്തീരുന്നു. നാഗരുകോവിലിൽനിന്നും തിരുവനന്തപുരത്തേക്ക വരുമ്പോൾ ഭാഷ മാറുന്നു. അവിടെ നിന്ന വടക്കോട്ടു വടക്കോട്ടു ചെല്ലുംതോറും ഭാഷയുടെ ഗുണവും സ്വരവും പ്രത്യേകമായിട്ടാണ കാണുന്നതു്.

ഒററ സമുദായമായി അറിയപ്പെടുന്നവരാണു് കർമ്മാളർ എന്നുള്ളതിന പല ലക്ഷ്യങ്ങളുമുണ്ടു്. ഇവർ വളരെ വളരെ കാലങ്ങൾക്കുമുമ്പു

മുതല്ക്കു തന്നെ സാമുദായിക സംരംഭങ്ങളിലേര്‍പ്പെട്ടു പല സമ്മേളനങ്ങളും നടത്തിയിട്ടുണ്ട്. ൧൯൨൮ ഡിസംബര്‍ ൨൯-ാംനു ദക്ഷിണതിരുവിതാംകൂറില്‍ (നാഗര്‍കോവിലില്‍) കമ്മാളരുടെ ഒരു കാണ്‍ഫറന്‍സു കൂടി പ്രമേയങ്ങള്‍ പാസാക്കിയിട്ടുള്ളതു ഗവണ്മെന്‍റിലേക്കു സമര്‍പ്പിച്ചതു ൧൯൨൯ ജനുവരിയിലാണ്. ഇവിടെയുള്ള കര്‍മ്മാളരുടെ സാര്‍വത്രികമായ അഭിവൃദ്ധിയെ ഉദ്ദേശിച്ചുള്ള കാണ്‍ഫറന്‍സു നടന്നുവരികയാണ്. കഴിഞ്ഞയാണ്ടില്‍തന്നെ ഈ ജൂബിലിടൌണ്‍ഹാളില്‍ വച്ചു മി. ഇ. സുബ്രഹ്മണ്യയ്യരാല്‍ ഉല്‍ഘാടനം ചെയ്യപ്പെട്ട ഒരു കര്‍മ്മാള മഹാജന കാണ്‍ഫറന്‍സ് നടത്തുകയുണ്ടായി. ആ കാണ്‍ഫറന്‍സിലെ നിശ്ചയങ്ങളും ഈ ബില്ലിനെ സംബന്ധിച്ചുള്ള വിപരീതാഭിപ്രായങ്ങളും പാസ്സാക്കി ഗവണ്മെന്‍റില്‍ സമര്‍പ്പിച്ചിട്ടുണ്ട്. ഈ നാട്ടിലുള്ള വിശ്വകര്‍മ്മജരെല്ലാം ഒരു പരമ്പരയിലുള്ളവരാണെന്നും, അവര്‍ തമ്മില്‍ ജാതിവ്യത്യാസമില്ലെന്നും, ബില്ലില്‍ അവരെ രണ്ടായി പിരിക്കുന്നതു ശരിയല്ലെന്നും കാണിച്ചു ഗവണ്മെന്‍റിലേക്കു കാണ്‍ഫറന്‍സിന്‍റെ പ്രൊസീഡിംഗ്സും അയച്ചിട്ടുണ്ട്.

MR G. NILAKANTAN (*Nominated*); തിരുവനന്തപുരത്തുകൂടിയ കാണ്‍ഫറന്‍സുകഴിഞ്ഞു തമിഴ് കമ്മാളരുടെ ഒരു മീററിംഗ് ഉണ്ടായിരുന്നതായി മെമ്പര്‍ക്കറിയാമോ?

MR. N. VELU ACHARI (*Co-opted*): ഒന്നാമതായി ഇവിടത്തെ കര്‍മ്മാളര്‍ ഒരു പരമ്പരയാണെന്നുള്ളതിനു താഴെ പറയുന്ന പ്രമാണങ്ങള്‍ സാക്ഷ്യംവഹിക്കുന്നു. ൧൯൦൧-ലെ സെന്‍സസ്സ റിപ്പോര്‍ട്ട് ൧-ാംഭാഗം ൨൩-ാംവാല്യം ൨൭൪-ാംവശത്തു കാണുന്നതിങ്ങനെയാണ്—

"At Trikkariyur in Muvattupuzha Taluk where it is said Parasurama was last seen by mortal eye, the writer was interested to see Kammalas having the identical dress and jewellery of Tamil Brahmins of the Smartha Persuation."

ഇതില്‍നിന്നും ഇന്നു വടക്കന്‍തിരുവിതാംകൂറിലുള്ള വിശ്വകര്‍മ്മജരുടെ വേഷവും ഭാഷയും ഇന്നത്തെപ്പോലെയല്ലായിരുന്നു എന്നു കാണാം. ഇന്ന് അവര്‍ മലയാളം സംസാരിക്കുന്നവരും, മലയാളവേഷത്തില്‍ കാണപ്പെടുന്നവരും ആണ്. ൧൯൩൧-ലെ സെന്‍സസ്സ് റിപ്പോര്‍ട്ടില്‍—

DEPUTY PRESIDENT: തമിഴ് സംസാരിക്കുന്ന കമ്മാളര്‍, മലയാളം സംസാരിക്കുന്ന കമ്മാളര്‍ എന്ന വ്യത്യാസം ആവശ്യമില്ലെന്നാണ് മി. ആശാരിയുടെ അഭിപ്രായം. അതിനോടനുകൂലിക്കുന്ന പല രേഖകളുമുണ്ടെന്നു ഈ സഭാസമക്ഷം പ്രസ്താവിച്ചു കഴിഞ്ഞു. ആ രേഖകള്‍ ഏതെല്ലാമാണ്, അതില്‍ ഏതെല്ലാമാണ് വിശ്വസിക്കത്തക്കതു്, ഏ

[Deputy President.]

തെല്ലാമാണ് വിശ്വസിക്കാൻ പാടില്ലാത്തതു് എന്നുള്ള ഒരു ചർച്ച ഈ സന്ദർഭത്തിൽ ആവശ്യമില്ല. അതിനാൽ ഈ ബില്ലിലെ വ്യവസ്ഥകളെപ്പററി പറയുന്നതു നന്നായിരിക്കും.

MR. N. VELU ACHARI (*Co-opted*) : സർ; തമിഴ് കർമ്മാളരും മലയാളക്കർമ്മാളരും ഒന്നല്ല എന്നു ബഹുമാനപ്പെട്ട മെമ്പർ പ്രസ്താവിച്ചു. അതു ശരിയല്ല; കർമ്മാളരെല്ലാം ഒന്നാണ് എന്നു ഈ സഭയെ ധരിപ്പിക്കേണ്ട ആവശ്യമുണ്ടെന്നു വിചാരിച്ചാണ് ഞാൻ ഈ ഭാഗങ്ങളെല്ലാം പറഞ്ഞതു്. അതുകൊണ്ട് ആ സംഗതിയെപ്പററി പ്രതിപാതിക്കാൻ ഈ സഭ എനിക്കു കുറെ സമയം അനുവദിക്കണമെന്നു അപേക്ഷിക്കുന്നു.

DEPUTY PRESIDENT : അതിലേക്കുള്ള രേഖകൾ എന്തെല്ലാമാണെന്നുള്ള വിവരം മാത്രം പറയാം.

MR. N. VELU ACHARI (*Co-opted*): രണ്ടാമതായി ൧൯൦൧-ലെ സെൻസസ്സ് റിപ്പോർട്ടിൽ ൨൮൪-ാംവാല്യം ഒന്നാംഭാഗം ൧൬൫-ാംവശത്തു കാണുന്നതു് ഇങ്ങനെയാണ്:—

"Mr. M. Srinivasa Iyengar says, 'The Kammalas of Malabar and the Tamil districts must have descended from the same stock of Naga-Dravidian artizans mentioned in early Tamil literature and inscriptions'."

ഇതിൽനിന്നും ഇവിടത്തെയും തമിഴുനാട്ടിലേയും കർമ്മാളരെല്ലാം തന്നെ ഒരു പരമ്പരയിൽ നിന്നുൽഭൂതമായിട്ടുള്ളവരാണെന്നു തെളിയുന്നു. മൂന്നാമതായി ഇതുകൂടാതെ ടി സെൻസസ് റിപ്പോർട്ടിൽതന്നെ ഇങ്ങനെയും കാണുന്നു:—

"There is a tradition to the effect that one of the Perumals who ruled over Kerala pressed a Kammalan to marry a woman of the washermen caste, which he refused to do. The Kammalas then went away in disgust to Ceylon and refused to return in spite of repeated entreaties ; but at last some Kammalas were sent back to Kerala by the Ilava king of Ceylon."

ഇതിൽനിന്നും കർമ്മാളർ പൌരാണികകാലത്തു് അന്യദേശങ്ങളിൽനിന്നും വന്നിട്ടുള്ളവരാണെന്നും അവർ ജാത്യാഭിമാനത്തെ നശിപ്പിക്കുന്നവരല്ലായിരുന്നു എന്നും കാണാവുന്നതാണ്.

നാലാമതായി തിരുവല്ലാക്ഷേത്രത്തിലെ സ്ഥലപുരാണത്തിൽ കാണുന്നതു് ഇങ്ങനെയാണ്. "തിരുവല്ലായിലെ ശില്പിവർഗ്ഗക്കാർ തമിഴുനാട്ടുകളിൽ നിന്നും കടിയേറിപ്പാർത്തവരാണ്. ഇപ്പോഴും അവർ തമിഴരുടെ ആചാരവും രീതിയും ഏറെക്കുറെ അനുഷ്ഠിച്ചുവരുന്നു. തമിഴർ ധരിക്കുന്ന ചുവന്നതൊ കറുത്തതൊ ആയ നീണ്ടവസ്ത്രവും അമി

ഴരുടെ ആഭരണവും സ്ത്രീകൾ ധരിക്കുന്നു. ഭൈരവി, ഭദ്രകാളി, കറുപ്പൻ മുതലായ ദേവതകളെ അവർ ആരാധിച്ചുവരുന്നു. തിരുവല്ലാക്ഷേത്രം പണിയുന്നതിനായിട്ടാണ് അവരെ അവിടെ കൊണ്ടുവരപ്പെട്ടത്. ശ്രീപത്മനാഭസ്വാമി ക്ഷേത്രത്തിലെ അറ്റകുറ്റപ്പണിക്കായി ൯൦൮-ാമാണ്ടത്തു മധുരയിൽനിന്നും തിരുനൽവേലിയിൽനിന്നും വന്ന ആശാരിമാരുമായി സഹകരിച്ചു പണിയുന്നതിനു മാർത്താണ്ഡവർമ്മമഹാരാജാവു തിരുമനസ്സിലെ കല്പനപ്രകാരം തിരുവല്ലായിൽനിന്നും ആശാരിമാരെ കൊണ്ടുപോകയും മഹാരാജാവു തിരുമനസ്സുകൊണ്ടു് അവരുടെ സാമർത്ഥ്യത്തെ പരിഗണിച്ചു അവൎക്കു ചില പ്രത്യേകസമ്മാനങ്ങൾ കൊടുക്കുകയും ചെയ്തതായി കാണുന്നുണ്ടു്. ഇവരുടെ സമുദായത്തിലെ സമ്പന്നന്മാരുടെ മുറ്റത്തുതന്നെയൊ അല്ലെങ്കിൽ സമീപത്തൊ ദേവാലയങ്ങൾ ഉണ്ടു്. സ്വന്തസമുദായത്തിൽതന്നെ പുരോഹിതന്മാരും പൂജാരിയുമുണ്ടു്."

DEPUTY PRESIDENT: കാൎയ്യംമാത്രം പറഞ്ഞാൽമതി. മുഴുവനും വായിക്കണ്ടാ.

MR. N. VELU ACHARI (*Co-opted*) : വിശ്വകൎമ്മജർ എല്ലാം ഒരു സമുദായമാണെന്നു തെളിയിക്കുന്നതിനുവേണ്ടി ഈ രേഖകളെല്ലാം എടുത്തു ചൂണ്ടിക്കാണിക്കുന്നതാണ്. അതിനാൽ കർമ്മാളരുടെ ഇടയിൽ വ്യത്യാസമുണ്ടെന്നു മി. നീലകണ്ഠൻ പറഞ്ഞ അഭിപ്രായം ശരിയല്ല.

ഇനി ബില്ലിനെ സംബന്ധിച്ചു ചുരുക്കിപ്പറയുകയാണെങ്കിൽ...

DEPUTY PRESIDENT; അതുപോലുള്ള പ്രമാണങ്ങളുണ്ടെങ്കിൽ അതെന്താണെന്നു പറയാം. ദീൎഘമായിട്ടു പറയരുതെന്നേയുള്ളു.

MR. N. VELU ACHARI (*Co-opted*) : അഞ്ചാമതായി ശ്രീപത്മനാഭസ്വാമിക്ഷേത്രത്തിലെ പള്ളിവില്ലുവയ്പു മുതലായ സ്ഥാനമാനം കിട്ടിയരുന്നത്തെ തമിഴകർമ്മാളരും ഇന്നത്തെ മലയാളം സംസാരിക്കുന്ന കർമ്മാളരും ആയ കുടുംബപരമ്പരക്കു കിട്ടീട്ടുള്ള ഒരുനീട്ട്. "സ്ഥാനമാനത്തിനു തിരുവെഴുത്തെഴുതിയവകക്കു അനവൃന്യ-ാമതു ശ്രീരാമജയം ൧൦൩൬-ാമാണ്ടു ഇടവമാസം ൫-ാംനു വട്ടിയൂർക്കാവു അധികാരത്തിൽ തമലത്തു പുതുവീട്ടുവിളാകംപുരയിടത്തിൽ കുഞ്ഞാളൻ അനന്തപത്മനാഭൻ കണ്ടു്. മതിലകത്തു പള്ളിവില്ലുവയ്പു ഉൾപ്പെട്ട സ്ഥാനമാനം അടഞ്ഞുവന്ന നിന്റെ തകപ്പൻ മാതേവൻ അനന്തപത്മനാഭൻ കഴിഞ്ഞുപോയതിനാൽ അവൻ നടന്നുവന്നതിൻവണ്ണം മതിലകത്തു പള്ളിവില്ലുവയ്പുൾപ്പെട്ട സ്ഥാനമാനത്തിനും അളുക്കൂടാതെ അടുക്കളങ്ങര ജോട്ടി

[Mr. Velu Achari.]

നും കല്ലാട്ടുമുട്ടക്കിനും മേക്കു പൊന്നരവരമ്പിനും വടക്കു വെള്ളമണലിനും കിഴക്കു ഇണ്ടളയപ്പൻകാവിനു തെക്കുമാക ഈ എല്ലകയ്ക്കകത്തുൾപ്പെട്ട ദേശകാണിയും ഇന്നാൾമുതൽ നിന്നെ ആക്കിയിരിക്കകൊണ്ടു അടിയറ പണം ൧൩൦-൦ അടുക്കുവരുപണം ൬൦-൦ നീട്ടുപണം ൨൦-൦ ചിട്ടിപ്പണം ൧-൦ വഞ്ചിവക പണം ൨ അരയും ആകവെ അഞ്ചിനാൽപണം ൧൯൮ അര ഇപ്പണംന്തൂററിത്തൊണ്ണൂററിമൂന്നരയും കൈവഴിചെല്ലും മുതൽക്കൂട്ടുവകക്കു ഒടുക്കി മേലെഴുതിയ പ്രകാരം പള്ളിവില്ലുവയ്പുൾപ്പെട്ട സ്ഥാനമാനവും ദേശകാണിയും ആചന്ദ്രതാരമേ സന്തതിപ്രവേശമേ നടന്നുകൊള്ളുകയും വേണം. ഇപ്പടിക്കു ൧൦൬൩-ാമാണ്ടു ഇടവമാസം ൩-ാംനു തിരുവുള്ളത്തുംപടി നിനവു് എഴുതിയതു ഗോവിന്ദപ്പിള്ള. ഈ വകയ്ക്കു സങ്കടംവച്ചു കല്പനവന്നു അടിയറ കച്ചീട്ടും എഴുതിവയ്പിച്ചു തിരുവെഴുത്തും കെട്ടിക്കൊടുത്തു—പകടശാല സർവ്വാധികാര്യക്കാർ"

(ശരിപകർപ്പു്)

ആറാമതായി—൧൧൦൮ ഫെബ്രുവരി ൨-നു വിശ്വകർമ്മസമുദായത്തിന്റെ കുലഗുരുവായ ശ്രീമത് കോളര നാഥസ്വാമിതൃപ്പാദത്തിൽനിന്നും കന്യാകുമാരിമുതൽ കൊച്ചിവരെ നിവസിക്കുന്ന വിശ്വകർമ്മജരുടെ ജാത്യാചാരനടപടികൾ ശരിയായി നടത്തി വരുന്നതിനു കർമ്മാളരിൽ ശാസ്ത്രജ്ഞന്മാരും മലയാളം സംസാരിക്കുന്നവരും ആയ ആളുകളെ ഉൾപ്പെടുത്തിയുള്ള ഒരു കമ്മിററിക്കാക്കു കൊടുത്ത ഒരു നീട്ടുമൂലവും ഇവർ ഒരേജാതിയും തമിഴരെന്നും മലയാളിയെന്നും വ്യത്യാസമില്ലാത്തവരെന്നും കാണുന്നു.

ഹിന്ദുക്കളുടെ സാർവ്വത്രികമായ പുരോഗതിയെ പരിഗണിച്ചു് ജാതിവ്യത്യാസം വർഗ്ഗവ്യത്യാസം ഇതൊക്കെ കളഞ്ഞു സമുദായങ്ങളെല്ലാം ഒന്നാകണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടി ഇൻഡ്യയിലെ മഹാത്മാക്കളെല്ലാം പ്രവർത്തിച്ചുകൊണ്ടിരിക്കുമ്പോൾ ഒറ്റ സമുദായമായി അറിയപ്പെടുന്ന വിശ്വകർമ്മജരെ രണ്ടായി പിരിച്ചുകൊണ്ടു അവരെ ബാധിക്കത്തക്ക ഒരു നിയമം ഇവിടെ അവതരിപ്പിച്ചതു് ആ സമുദായത്തിന് ഒരിക്കലും സ്വീകാര്യയോഗ്യമല്ല. കർമ്മാളർ പൊതുവെ തമിഴരും മലയാളരും അവർ മിതാക്ഷരനിയമത്താൽ ഭരിക്കപ്പെടുന്നവരാണെന്നും മററും ഈ ബില്ലിന്റെ പ്രയോക്താവുതന്നെ സമ്മതിച്ചുകഴിഞ്ഞു. മിതാക്ഷരനിയമത്താൽ ഭരിക്കപ്പെട്ടുവരുന്നതുകൊണ്ടുകമ്മാളവർ മരുമക്കത്തായികളല്ലെന്നു പ്രത്യക്ഷമാകുന്നു. ഇതിൽനിന്നും കർമ്മാളവർ അന്യനാട്ടിൽ

നിന്നും വന്നവരാണെന്നും വ്യക്തമാകുന്നുണ്ടല്ലോ. അങ്ങിനെയുള്ള ഒരു സമുദായത്തിനായിട്ടു കൊണ്ടുവന്നിട്ടുള്ള ബില്ലു മിതാക്ഷരനിയമത്തിനു വിപരീതമായിട്ടാണു കാണുന്നതു്. ഹിന്ദുലായാൽ ഭരിക്കപ്പെട്ടുവരുന്ന സമുദായക്കാർപോലും അവരുടെ ആചാരങ്ങളിൽ അല്പസ്വല്പം വ്യത്യാസം വരുത്തണമെന്നു വിചാരിക്കുന്ന ഇക്കാലത്തു ൨ ലക്ഷത്തില്പരം ജനസംഖ്യവരുന്ന വിശ്വകർമ്മജൎക്കും ചില ആചാരവ്യത്യാസങ്ങൾ വരുത്തിക്കൊള്ളുവാനുള്ള ആഗ്രഹമില്ലാതില്ല. അതായതു വിവാഹം, വിവാഹമോചനം, വിധവാവിവാഹം തുടങ്ങിയുള്ള ആചാരങ്ങളിൽ ചിലമാററങ്ങൾ വരുത്തണമെന്നു ചിലർ വിചാരിക്കുന്നുണ്ടു്. അതൊക്കെ സമുദായത്തിന്റെ അഭിവൃദ്ധിയ്ക്കും പുരോഗതിക്കും ആവശ്യവുമാണു്.

വസ്തു അവകാശക്രമത്തെ സംബന്ധിച്ചിടത്തോളം ആളോഹരിക്രമാണു ബില്ലിൽ ചേർത്തുകാണുന്നതു്. എന്നാൽ തിരുവിതാംകൂറിലെ കമ്മാളൎക്കു ഭൂസ്വത്തുണ്ടെന്നു പറയുവാൻ നിവൃത്തിയില്ല. കഷ്ടിച്ചു് അഞ്ചോ പത്തോ സെൻറു സ്ഥലമുള്ള കമ്മാളവർ ആയിരത്തിനു ഒന്നുവീതമേയുള്ളു. ആ സ്ഥിതിക്കു് ആളോഹരിഭാഗം വേണമെന്നു നിശ്ചയിക്കുന്നപക്ഷം ഉള്ള ഭൂസ്വത്തും ഇല്ലാതെയാകുവാനാണു് എളുപ്പം. അതിനാൽ ആളോഹരിഭാഗം വേണമെന്നുള്ള ബില്ലിലെ വ്യവസ്ഥയെ ഞാൻ എതിൎക്കുന്നു. വിവാഹത്തെ സംബന്ധിച്ചേടത്തോളം മിതാക്ഷരാവലംബികളുടെ ഇടയിൽ നടപ്പുള്ള ആചാരത്തെ ഭേദപ്പെടുത്തി വിധവാവിവാഹം നടപ്പാക്കുന്നതുകൊണ്ടു തരക്കേടില്ല. സമസ്തേന്ത്യാവ്യാപ്തിയുള്ളതും ഇവിടത്തെ ഒരു ജാതിക്കാരെന്നറിയപ്പെടുന്നതും ആയ വിശ്വകർമ്മജർ സകലരേയും ഏകീകരിച്ചു ഈ ബില്ലിൽ ഉൾപ്പെടുത്തുന്നപക്ഷം വിവാഹത്തെ സംബന്ധിച്ചുള്ള വ്യവസ്ഥയോടു ഞാൻ യോജിക്കയും ചെയ്യുന്നുണ്ടു്. വിദ്യാഭ്യാസവും ധനസ്ഥിതിയും ലോകപരിചയവും ഉള്ളവർ, സമുദായങ്ങളെല്ലാം എപ്പോഴും യോജിച്ചുകൊണ്ടിരിക്കണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടി പല ചട്ടങ്ങളും ഇവിടെ ഉണ്ടാക്കിയിട്ടുണ്ടു്. നായർസമുദായത്തിൽ ധാരാളം അവാന്തരവിഭാഗങ്ങളുണ്ടായിരുന്നു. അവയെ ഇല്ലാതാക്കി എല്ലാവരെയും ഏകീകരിച്ചു് സമുദായത്തിന്റെ പുരോഗതിക്കു പര്യാപ്തമായ വിധത്തിൽ ഒരു നായർബിൽ പാസ്സാക്കുകയാണു ചെയ്തതു്. കർമ്മാളരുടെ ഇടയിൽ തൊഴിൽപരമായി ൫ ഉപവിഭാഗങ്ങളെയുള്ളു. അവരെല്ലാം അടിയന്തരാവശ്യങ്ങൾക്കു് ഒന്നിച്ചുകൂടി കഴിയുന്നുമുണ്ടു്.

DEPUTY PRESIDENT : അവർതമ്മിൽ പരസ്പരവിവാഹം നടപ്പുണ്ടോ?

MR. N. VELU ACHARI (*Co-opted*) : സർ, അതുമുണ്ട്.

MR. G. NILAKANTAN (*Nominated*) : തിരുവല്ലാ മുതലായ സ്ഥലങ്ങളിലുള്ള കല്ലാശാരിമാരും മററു കമ്മാളന്മാരുംതമ്മിൽ വിവാഹം നടപ്പുണ്ടോ?

MR. N. VELU ACHARI (*Co-opted*) : ഇപ്പോഴും തിരുവനന്തപുരത്തു കെട്ടിടത്തിന്റെ കൽകെട്ടുജോലികളും ചുവർജോലികളും ചെയ്തുവരുന്നതായി സാർവ്വത്രികമായി കാണുന്നതു് ഈഴവരും നായന്മാരുമാണ്.

DEPUTY PRESIDENT : അതു് ആ ചോദ്യത്തിനുത്തരമല്ല.

MR. N. VELU ACHARI (*Co-opted*): അതുപോലെ എവിടെയെങ്കിലും ഏതെങ്കിലുംജോലിക്കാർ കല്ലുവേല ചെയ്യുന്നതുകൊണ്ടു അവർ കമ്മാളരാണെന്നു വരുന്നതല്ല. അതുകൊണ്ടു അവരുമായി വിവാഹബന്ധമില്ല. എന്നാൽ കല്ലിൽ വിഗ്രഹവേല ചെയ്യുന്നവരുണ്ട്. അവരും മററുകമ്മാളന്മാരും തമ്മിൽ വിവാഹബന്ധം നടപ്പുണ്ട്.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): ചങ്ങനാശേരി, തിരുവല്ല മുതലായ സ്ഥലങ്ങളിലുള്ള ശില്പാശാരിമാർ തമ്മിൽ പരസ്പരം വിവാഹംനടത്തുകയും അടിയന്തരാദികളിൽ കൂടിക്കഴിയുകയുംചെയ്യുന്നുണ്ടോ?

MR. N. VELU ACHARI (*Co-opted*) : ഓരോ കരയിലും പത്തോ പതിനഞ്ചോ കർമ്മാളകുടുംബക്കാർ ചേർന്നു അവരുടെഅടിയന്തിരാവശ്യങ്ങളും കൂടിക്കഴിഞ്ഞു നടത്താറുണ്ട്. ആ കുടുംബക്കാർ തങ്ങളിൽ സ്ത്രീകളെ കൊടുക്കൽവാങ്ങൽ നടത്തുകയല്ലാതെ മററു സ്ഥലങ്ങളിലേക്കു അതിലേക്കായി പോകുക പതിവില്ല. തിരുവനന്തപുരത്തു താമസിക്കുന്ന ഒരു കർമ്മാളൻ വടക്കൻപറവൂരിൽ ചെന്നു വിവാഹം കഴിക്കുന്ന പതിവും ഉണ്ട്. അതൊക്കെ കുറച്ചു വിദ്യാഭ്യാസവുംമററുമുള്ളവരുടെയിടയിലാണ്.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*): ഒരു കരയിൽതന്നെയുള്ള മരആശാരിമാരും ഇരുമ്പുവേലക്കാരും തമ്മിൽ വിവാഹബന്ധമുണ്ടോ?

MR. N. VELU ACHARI (*Co-opted*) : ധാരാളമുണ്ട്.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*): മദ്ധ്യതിരുവിതാംകൂറിലുണ്ടോ?

MR. N. VELU ACHARI (*Co-opted*): മാവേലിക്കര, ചെങ്ങന്നൂർ, ചിറയിൻകീഴ് മുതലായ സ്ഥലങ്ങളിൽ ധാരാളംനടപ്പുണ്ട്.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*): ചേർത്തല, വൈക്കം, ആലപ്പുഴ മുതലായ സ്ഥലങ്ങളിൽ അങ്ങനെ നടപ്പുണ്ടോ?

MR. N. VELU ACHARI (*Co-opted*) : ചില സ്ഥലങ്ങളിൽ അങ്ങനെയുള്ള വിവാഹങ്ങൾ നടപ്പില്ല എന്നു വരാം; അതു് അവരുടെ കുററമെന്നല്ലാതെ ആ സമുദായത്തിൻെറ കുററമല്ല.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : മലയാളം സംസാരിക്കുന്നവരുടെ ഇടയിലും കല്ലാശാരിയും മരപ്പണിക്കന്മാരുമുണ്ടോ?

MR. N. VELU ACHARI (*Co-opted*) ; ഉണ്ടു്.

ഈ ബിൽ തമിഴ് സംസാരിക്കുന്ന കർമ്മാളരെ ഒഴിവാക്കിയാണു അവതരിപ്പിച്ചിട്ടുള്ളതു. തമിഴകർമ്മാളർ ആരെങ്കിലും ഈ നിയമത്തിൻെറ പരിധിയിൽ വരണമെന്നാവശ്യപ്പെടുന്നുവെങ്കിൽ അവരെക്കൂടി ഉൾപ്പെടുത്തികൊള്ളാമെന്നു ബിൽ പ്രോയോക്താവു അഭിപ്രായപ്പെടുകയുണ്ടായി. എന്നാൽ തമിഴ സംസാരിക്കുന്നവരെന്നും മലയാളം സംസാരിക്കുന്നവരെന്നുമുള്ള വ്യത്യാസംവയ്ക്കാതെകർമ്മാളരെഎല്ലാവരെയും ബാധിക്കത്തക്കവണ്ണം ഒരു നിയമമുണ്ടാക്കുകയും, ഈ നിയമത്തിനകത്തു വരുന്നതിനു സമ്മതമില്ലാത്തവക്ക് ഒഴിഞ്ഞുപോകുന്നതിനു സൌകര്യമുണ്ടാക്കികൊടുക്കുകയുമാണു് വേണ്ടതു്.

MR. A. THANU PILLAI (*Trivandrum-Rural*): തമിഴ്കമ്മാളരും മലയാളക്കർമ്മാളരും തമ്മിൽ വിവാഹബന്ധമുണ്ടോ?

MR. N.VELU ACHARI (*Co-opted*): തമിഴ സംസാരിക്കുന്ന കർമ്മാളർ ഒരു നാനപക്ഷക്കാരാണു. അവർ തെക്കൻതിരുവിതാംകൂറിൽമാത്രമാണു ധാരാളമുള്ളതു്. ഞാൻമുൻപു പറഞ്ഞതുപോലെ അവരും അതാതു കരക്കുളിൽ പാക്കുന്നവരും തങ്ങളിൽതങ്ങളിൽ വിവാഹം നടത്തുകയല്ലാതെ അതിനു പുറത്തുപോകാറില്ല. ഇങ്ങനെയാണു തിരുവിതാംകൂറിൽ എല്ലായിടത്തും കാണാറുള്ളതു്.

DEPUTY PRESIDENT: മി. ആശാരി ഈ ബില്ലിൻെറ മൂലതത്വത്തോടു യോജിക്കുന്നോ യോജിക്കാതിരിക്കുന്നോ?

MR. N. VELU ACHARI (*Co-opted*): തിരുവിതാംകൂറിലുള്ള എല്ലാ കർമ്മാളരേയും ഉൾപ്പെടുത്തത്തക്കവണ്ണം ബില്ലിൽ വേണ്ട ഭേദഗതി വരുത്തുന്നുവെങ്കിൽ ഞാൻ ഈ ബില്ലിലെ തത്വത്തോടു യോജിക്കുന്നു. അങ്ങനെ രണ്ടുകൂട്ടരെയും ചേക്കുമ്പോൾ സമുദായത്തിൻെറ പൊതുവെയുള്ള അഭിപ്രായം അറിഞ്ഞു വേണ്ട ഭേദഗതിവരുത്തുന്നതിനുള്ള അധികാരത്തോടു കൂടി സിലക്റ്റ് കമ്മററിക്കയക്കുകയാണെങ്കിൽ ഞാൻ ഈ ബില്ലിൻെറ തത്വത്ത അനുകൂലിക്കാം.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Sir,—

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I rise to a point of order. The Chief Engineer is not in his seat.

DEPUTY PRESIDENT: I must take very serious notice of a point raised by a very important member of the House. If the Chief Engineer does anything as a member of the House from a place not his seat, I shall be obliged to take note of that then. It does not matter that he is not in his seat now.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): On a point of explanation, Sir.

DEPUTY PRESIDENT: No explanation is necessary. I do not allow any explanation, because though the Chief Engineer was not in his seat he was not making any speech.

MR. A. THANU PILLAI (*Trivandrum—Rural*): I want to know whether the four chairs in the last row of the official gallery of the House form part of the House.

DEPUTY PRESIDENT: Mr. Thanu Pillai evidently thinks that an answer to his question is going to augment the value of the decision that may be given by the Chair.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Sir, I have very great pleasure in supporting the principle underlying this Bill. There seems to be a difference of opinion in the matter between the mover of the Bill and Mr. Velu Achari who thinks that the Bill is purposely intended to divide the community into two sections.

DEPUTY PRESIDENT: Let us have a calmer atmosphere.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Mr. Velu Achari in opposing the principle of the Bill said that the motive underlying this Bill was to bring a cleavage in a community which was hitherto enjoying the benefits of one community. But no such thing is mentioned in the statement of Objects and Reasons of this Bill.

Sir, Mr. Nilakantan has very well explained that there is a notable difference between the customs and manners existing in the two sections of the community, namely, the Tamil-speaking and the Malayalam-speaking sections. He has even stated that he has no objection if 'any section of the Tamil—speaking community so desires they may also be included by adding a provision to that effect.' It is therefore not his intention to bring about any cleavage in the society.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is the member suggesting that the Bill may be amended so as to include the Tamil-speaking Kammalas also within it?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I think such a change can be made.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether it is not open to this House and the Select Committee to introduce any change in the Preamble of the Bill?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): That is what I was going to say. We have done so in connection with several other Bills. The only objection Mr. Velu Achari took was that 'this would bring

about a cleavage, but Mr. Nilakantan assured us that there was no intention to bring about a cleavage. To me, Sir, it appears that the whole difference arises out of that unfortunate word 'speaking'. It would have been better if that word was omitted and instead of 'Malayalam-speaking Kammalas' insert 'Malayala Kammalas'. Language is no sure criterion to judge the difference in determining the two sections to apply the law.

With regard to the necessity for such a Bill Mr. Velu Achari is in perfect agreement with Mr. Nilakantan. Besides, we members of other communities also feel the necessity for a Bill relating to Kammalas. Coming from the northernmost extremity of Travancore, I must say that the necessity for such a Bill is keenly felt there where there are a good number of Kammalas. In the absence of any uniform and well established custom among the Kammalas, we feel it very difficult to have any dealings with this community. They also feel the same difficulty. We cannot safely buy a property from a Kammala nor can a Kammala buy a property from us. There are no decided cases as yet, and as Mr. Nilakantan said, there is no possibility of any Kammala going to the High Court and getting a decision in the matter owing to his poverty. Almost all cases and disputes are decided by some person of the locality. There are different customs prevailing in the same part of the country. Hence there cannot be any difference of opinion about the necessity for the Bill.

The chief difference of opinion seems to be about Chapter IV of the Bill relating to intestate succession. Mr. Nilakantan has adopted a principle to which the Hindu community in general and the Christian community from ancient times have agreed. Individual partition has become an accepted principle of the Nair community. Mr. Nilakantan has accepted that principle in framing this chapter. It is quite in line with current thought. If Mr. Velu Achari is opposed to that provision the Tamil section is at perfect liberty to adopt their law and keep out of the purview of this Bill. Inspite of certain defects with regard to details, which can easily be amended in the sub-committee, on the whole, the Bill is a very satisfactory measure. In the absence of any law, or uniform custom this will be a boon to the Kammalas as well as the other communities in the State. With these words I recommend the Bill to the acceptance of the House.

MR. S. J. NAIR (*Nedumangad*) : Sir, I support the principle of the Bill. The Kammala community is an important community in the State. It is not possible to ignore their claims. They have contributed much towards art and architecture in the State. It has already been stated by the able mover of the Bill as well as Mr. Velu Achari that there is much difference amongst themselves,—difference in language, customs, manners, crafts, trade, occupation, marriage, dissolution, inheritance, wearing of sacred thread, adoption of the tuft of hair in front and back etc.—and it has already been admitted by Mr. Velu Achari that there is discord amidst concord. Mr. Velu Achari has been opposing not the principle of the Bill but only certain

[Mr. S. J. Nair.]

portions of it on the ground that concord amidst discord must be brought about among the Malayalam and Tamil-speaking Kammalas. That is a matter that must be looked into by the Select Committee. The mover has stated that he has no objection to include the Tamil-speaking people if they want to come in.

MR. K A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): May I know whether there is any difference between the Tamil-speaking Kammalas and Tamilian Kammalas?

MR. S. J. NAIR (*Nedumangad*): Tamilian Kammalas do not come under this Bill. The Tamilian Kammalas are in Pandy side and not in Travancore. That is my view.

With regard to the principle of the Bill, I do not quite agree with the framer that compensation should be given for divorce. No doubt compensation may be given where the party applying for divorce is the husband. There must be freedom for divorce. The need for absolute freedom for divorce for both the parties is the order of the day.

Again, the mover of the Bill says that he wants to provide equal rights for women. But he has not done so in the provisions of the Bill. I refer to Clauses 23, 24 and 30. Therein he ignores the equal rights of women with that of men in the matter of rights over properties. So I find that he has not attempted to safeguard the rights of women with regard to inheritance. With these few observations, I support the principle of the Bill.

MR. EDAVANATT S. PADMANABHAN MENON (*Shertala I*): Sir, while supporting the main principle of the Bill I wish to offer a few observations regarding the exclusion of Tamil speaking Kammalas from the purview of the Bill. Sir, I had occasion to know the general feeling among the Kammalas of northern Travancore a few weeks ago, as I had to preside over their conference which was held at Shertala.

The public opinion among the Kammala community seems to be that there is no real distinction between the Tamil-speaking Kammalas and the Malayalam-speaking Kammalas. According to the present customs there are certain barriers regarding marriages, interdining etc. Still they firmly believe that they come from one original stock with the same culture and tradition. In these days when social coherence and consolidarity accounts so much for political and social progress, the community desires that they never shall be bifurcated. That seems to be the prevailing opinion that I was able to gather from the Kammalas of North Travancore.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): May I know whether the conference in which the honourable member took part, consisted of Tamil and Malayalam-speaking Kammalas or only one section of the Kammalas?

MR. EDAVANATT S. PADMANABHAN MENON (*Shertala I*): The distinction sought to be drawn on language seems to me to be bad. The contemplated Bill itself came in for a lot of discussion. About 17

taluks were represented in that conference and that included Malayalam and Tamil Kammalas. As to the real representative nature of those organisations I cannot vouchsafe. That is why I cautiously put it that the prevailing opinion in the community seems to be that the Bill should not divide them. It is for the Select Committee to examine those matters. Whether it is a matter which will do them harm, or whether the clamour that all these communities should be included as one community based on common culture, are points that could be decided by the Select Committee.

Coming to the various provisions contained in the Bill I wish to say one word.

According to Census Report the Kammalas of the State number on the aggregate 2,08,441.

They group themselves into 11 sub-divisions.

Asari	99,091
Chayakurup	249
Chempukotty	376
Kallachari	15,109
Kannan	4,025
Kollan	23,724
Pandi Kammalan	13,381
Chilpachari	1,372
Thatchan	4,303
Thattan	30,355
Vellkurup	2,078

It is seen from these figures that nearly half of this community lives in Central and North Travancore.

My friend Mr. Nilakantan proposes to make a law affecting all these sections except the Pandy Kammalas. The first chapter in the Bill deals with the definition. This Bill shall apply to all Malayalam-speaking Kammalas domiciled in Travancore and to such Kammalas whether so domiciled or not, as have, or shall have marital relations with Malayalam-speaking Kammalas, so much so, the Tamil-speaking Kammalas are excluded from the purview of this Bill. That is the real difficulty. When once the sponsor of the Bill wants to make a law relating to marriage, succession and adoption in the Kammalas, it should be a general law applicable to all the Kammalas. In these days of social justice the legal rights of the Tamil-speaking Kammalas who come into intimate touch with the Malayalam-speaking Kammalas should certainly be considered. How the Tamil-speaking Kammala section can be excluded is a matter of serious concern. There is also another aspect. Even the Select Committee, I think, cannot change the Preamble of the Bill so as to include the Tamil-speaking Kammalas because my own fear is that special sanction of the Government will have to be obtained.

Relating to the provision for marriage and its dissolution it is more or less based on the existing law where *talikettu* is made as the main

[Mr. Edvanatt S. Padmanabha Menon.]

outward sign affecting marital relations. Marriage itself is sought to be dissolved by death, mutual consent and dissolution. These are three modes of dissolution quite acceptable and in vogue.

As Mr. S. J. Nair pointed out, regarding the compensation Clause the amount fixed seems to be prohibitive and the whole subject must be scrutinized.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir the Government will keep an open mind in this matter. I wish however to make one observation in this connection. I heard that the opposition to the Bill was based on the ground that there are two communities among Kammalas, the Malayalam speaking and the Tamil speaking Kammalas and that the effect of this Bill will be to drive a wedge between the two communities. From what I have been able to gather, that seems to be the chief reason on which the Bill is opposed. It was suggested in reply that the Tamils may be added to the Bill. In view of this, I may say, that it may not be possible to do so. I must give the warning that perhaps the rules and standing orders may not allow a provision to include the Tamil portion later on. It is neither for the House nor for me to say that the Tamil speaking community could be included by an amendment. When the amendment is moved, the time would come and the Chair may rule it out. Some body may raise the point at that time and the Chair will decide it. We cannot say now what the decision will be. It is quite open to the Chair to say that the Tamil speaking Kammalas do not come and cannot be brought within this Bill. The Preamble of the Bill, it must be noted, says "whereas it is expedient to define and amend the law relating to marriage, succession and adoption of the Malayalam speaking Kammalas." Again, in the operation clause it says that it shall apply to all Malayalam speaking Kammalas. So then both in the Preamble and in the operation clause it is said that the Bill shall apply to Malayalam speaking Kammalas. It may be considered very necessary that the community to be affected must come within the Preamble and the operation clause. This is a social legislation, and the Tamil speaking community at large must know from the very outset that they are likely to be brought within the purview of this legislation. It is quite open for the presiding authority to take the view that in view of the Preamble and the operation clause of this Bill the Tamil speaking Kammalas cannot be brought in by an amendment. I am not dogmatising on that point. Those who oppose the Bill on the ground that a wedge is driven between the Tamil speaking and the Malayalam speaking Kammalas should consider this aspect of the matter also. All that I need say is that they run the risk of the Tamil speaking community not being included even though the mover of the Bill may be quite agreeable. When once the Bill comes to the Assembly the mover has no control over it nor any honourable member. That should be borne in mind. I merely point out one aspect of the question without committing myself to any position.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : Sir, in regard to what the Law Member has said I would only refer to the statement of Objects and Reasons wherein the mover himself has said that if any section of the Tamil speaking community so desires, they may also be included by adding a provision to that effect. So it cannot be said that the Tamil speaking community had absolutely no notice that this legislation might be passed affecting them. In that view I hope that in case the Select Committee is inclined to consider the question of bringing the Tamil speaking Kammalas also within the purview of the Bill there may not be any serious obstacle.

MR. S. J. NAIR (*Nedumangad*) : Does not the member know that Mr. Velu Achari has been co-opted as a member to represent the Tamil speaking Kammala ?

MR. A. THANU PILLAI (*Trivandrum-Rural*) : I know as much about that as my friend. Neither more nor less. What I have been able to know of him is that he is not a Tamil speaking Kammala. He is a Malayalam speaking Kammala much in the same way as I am a Malayalam speaking Nair.

In regard to the changes sought to be introduced in the Bill I wish to make one observation and that relates to Chapter 4 which deals with intestate succession. A good deal of change is sought to be made by the mover of the Bill. He wants to change the very basis of the law that now controls them. That is to say, the basis of the Mithakshara law is taken away and he seeks to introduce provisions which to my mind appear to be quite alien to the basis and structure of that system of law. In doing so I would like to examine broadly the provisions relating to intestate succession in order to see whether justice is sought to be done to men and women alike. Sir, he has been, I should submit very unjust to the Kammala woman especially, the Kammala daughter. I ask Mr. Nilakantan what sin she has committed ? Why he should think of depriving her of all rights to property and rights to maintenance that she even now enjoys ? Under the existing law a Kammala daughter has a right to maintenance out of the estates of the family in which she is born. Out of the estates of her father even after his death so long as she is a minor at any rate she gets a right for maintenance. By this Bill the ancestral as well as the self-acquired property of a man at the first instance descends to his sons and male children by his sons and also to the widow or widows. The daughter is totally excluded. Where is she to go ? What is to be her support after the father's death ? Even if she is married into another family, under the existing law by the fact of marriage she acquires certain rights in respect of the property of her husband, at any rate the ancestral property of her husband. Even that is taken away. I shall read Clause 16 of the Bill which reads as :—

"No person shall by marriage acquire any interest in the property of the person whom he or she marries nor become incapable of doing any act in respect of his or her own property which he or she could have done if unmarried".

[Mr. A. Thanu Pillai]

So the woman when she is married, does not get any property at all, if she does not get anything from her father. Why should she be made to suffer like that is not known to me. Under the existing law the daughter succeeds to the property of her father in case the father does not leave any sons or a widow. After all, the sons, widows, mother's brothers, brother's children all these come. The daughter is totally discarded. I wonder what she has committed of late to inflict this punishment. So this matter has to be considered very seriously. Not only the daughter but all heirs by female side are excluded. The daughter and her issues are almost totally excluded. That is the effect of the provision. That is a matter that has to be carefully considered. I think the daughter should be installed in her due place. These are general observations with regard to the Bill. The provisions relating to intestate succession has to be very substantially modified Even under the Mithakshara law, if the mother dies it is the daughter that succeeds. There also, the daughter is excluded as against the sons and other relations. So I think there is something which has totally clouded the vision of the mover in respect of the daughter. That mistake has to be rectified. I hope the Select Committee will examine all these provisions and make suitable amendments.

MR. K. PADMANABHAN (*Chirayinkil I*) : I would like to make a few observations with regard to this Bill. There is a good deal of misunderstanding among the Kammalas in general about its provisions. I have been able to gather that from my own observations. Probably that might be because the mover himself has sought to introduce the Bill into this House without ascertaining the views of the Kammalas in general. However, after he gave notice of this Bill to Goverment naturally the Kammalas began to think about that and being convinced of the necessity of a legislation of this kind they have been able to evolve a sort of agreement in this matter. Mr. Velu Achari's observation on this Bill, I believe, will enable us to clarify the position to a considerable extent. From his speech we understand that the only complaint of the so-called oppositionists seems to be that this Bill is intended only for a particular section of the Kammalas. If the other section namely the Tamil speaking section is brought within the ambit there seems to be no real objection from any quarters. Certain provisions with regard to the dissolution of marriage and intestate succession may bring radical changes in the existing custom prevailing in the different sections. If suitable amendments could be introduced with regard to these provisions, this Bill could very well be enacted into law. That is a matter which could conveniently be entrusted to a Select Committee.

The point raised by the Law Member is a very important one. This House seems to be of the opinion that the legislation on the lines indicated in the Bill is necessary and it is also unanimous in the view that the legislation should embrace the two sections of the

Kammala community. In view of the fact that there is an overwhelming opinion in the House that a legislation is necessary, the only question that has to be considered is whether the President who is going to guide the deliberations can allow suitable changes. I do not think that any President will be so stiff...... .

DEPUTY PRESIDENT: Comments on what the President may do are irrelevant.

MR. K. PADMANABHAN (*Chirayinkil I*): That need not be a proposition to debar us from proceeding with this legislation. I would commend the general principle of this Bill to the acceptance of the House and suggest that it may be referred to a Select Committee.

DEPUTY PRESIDENT: It has been pointed out by the Law Member and one or two other members that there will be difficulty in including the Tamil speaking Kammalas also, because of the nature of the Preamble of the Bill as framed by the mover. No doubt, there has been considerable opinion in this House that the Malayalam speaking and Tamil speaking Kammalas must come within its purview. The House has to be very careful that what they do is in pursuance of law and practice. If a thing is proposed in a manner not warranted by the Preamble, the Chairman of the Select Committee, whoever he be, will have to exercise his mind on the question and decide whether such changes shall be allowed to be discussed in the Select Committee. Even if a favourable ruling is given, which itself is problematical, the Bill in its subsequent stages will have to come to this House at its second reading. What the Chair will do on that occasion is equally beyond our forecast now. This must be borne in mind if the House, the mover, or anybody else is anxious to include the Tamil speaking Kammalas also within the scope of the Bill and due and proper action has to be taken. I give this warning.

MR. K. R. ELENKATH (*Kalkulam I*): Sir, I would offer a few remarks on some of the Clauses as well as the Preamble of the Bill. When Mr. Nilakantan sought permission for the introduction of this Bill I objected to permission being granted to its introduction. I was of opinion that it would be against the general sense of the Kammala community as a whole, if we bring forward a bill excluding altogether the Tamil section of the Kammalas from its operation. It is of course said among the Objects and Reasons:—

> "If however, any section of the Tamil speaking community so desires they may also be included by adding a provision to that effect."

But that clearly shows that neither we, the members of this House nor the Select Committee has the power to include a provision by which we could bring them within the ambit of this legislation unless there is a demand in unambiguous terms from that section of the Kammalas whom this Bill as it is, is not intended to affect. We will not be competent therefore to insert such a provision in the Bill even if we wish so.

[Mr. K. R. Elenkath.]

Now, I am not very much concerned with the original stock from which the two sections of the community came. If we are to go into the question of the origin of races and communities, we will have to trace back to the origin of the human race, as from Adam and Eve and advocate for one law to govern all humanity as regards marriage, dissolution, inheritance, succession etc. The only question that now confronts us is whether as it is at the present day found by custom and practice, there is any fundamental difference between the two sections of the community called the Tamil Kammalas and the Malayala Kammalas and whether it is possible or not under the present circumstances to bring them under one law. The mover himself has said that there are Tamil Kammalas in Malayalam speaking areas who speak Malayalam, and Malayala Kammalas in Tamil speaking territories who speak Tamil. We know there are intermarriages between them. We know also that there are intermarriages between the Pandi Kammalas and the Travancore Kammalas. There are also, as the member himself has said, many pretenders who pass from the one section for the other.

There are again some Kammalas who as Mr. Nilakantan himself has admitted wear thread and others who do not wear thread according to their pleasure. Under these complexing circumstances and with such indefinite issues before us, we cannot for a moment think of accepting the Bill as it is. From the general trend of opinion expressed here, it is seen that this House is in favour of making the legislation applicable to both the sections of the Kammalas. If that is conceded many fundamental changes will have to be made in the various clauses of the Bill. The Tamil speaking Kammalas are very much in favour of some stringent clauses which the mover does not anticipate here. He himself has admitted that among one section *viz.*, the Malayala Kammalas dissolution of marriage is a very easy matter. They can dissolve marriages as easily as possible and whenever they please. Among the Tamil speaking or Tamil Kammalas marriages are held to be sacred and dissolution is disallowed. We have therefore, when we are legislating with a view to bring both these sections together, to make drastic changes in the Clauses relating to dissolution of marriages.

Then, Sir, with regard to the maximum compensation to be paid in the case of dissolution of marriage I ask why should Rs. 500 in the case of the husband and Rs. 200 in the case of the wife be fixed by a provision in the Bill? Is it not for the court to fix it, after examining the circumstances of each case? According to the Bill even without looking into the grounds for the dissolution, the maximum has been fixed. I ask why such a maximum should be fixed at all? In cases where the dissolution is made unavoidable the amount may be reduced and in cases where one party is very rich and dissolution could have been avoided why not enhance the amount so that the other party who may not much wish for dissolution but may be coerced to agree to it be benefitted materially? Why should we make a restriction as regards

compensation to benefit the rich man to the disadvantage of the unwilling partner who as I said may be coerced to give consent for dissolution? Then with regard to the point raised by Mr. A. Thanu Pillai, I hold that the treatment accorded to women especially the daughter is cruel and quite objectionable.

MR. A. EASWARA PILLAI (*Kottarakara*): But is there not stated in Clause 27 "On the death of a Kammala male leaving him surviving none of the heirs mentioned in Sections 22, 24, 25 and 26 but only his daughter or daughters and the lineal male descendents of deceased daughters they shall take the whole property left undisposed of by him at his death".

MR. K. R. ELENKATH (*Kalkulam I*): My point is that here the daughter comes very much below other persons who ought not to get precedence over the daughter. For example priority is given to more distant relations by Clause 26 which says "On the death of a Kammala male leaving him surviving none of the heirs mentioned in Sections 22, 24, and 25, but only his brother or brothers and the lineal male descendents of deceased brothers they shall take the whole property left undisposed of by him at his death.". Thus the daughter inherits the property only if there are neither brothers nor lineal male descendents of deceased brothers. See how inequitous it is to exclude one's own issue—I mean the daughter—and give preference to one who is not directly descended from the owner of the property—I mean the brothers' descendents—. There are again other objectionable Clauses also which need to be amended. Therefore, if it is the general wish of this House to pass this legislation with such modifications as to include the whole community within the ambit of the Bill, it would be well advised to ask the mover of this Bill to bring in another piece of legislation remedying all the defects contained in this Bill.

MR. N. E. VARUGHESE (*Tiruvalla I*): Sir, the service of Kammalas are indispensable to our country which mainly depend upon agriculture; and a law governing their succession and marital relationship is very desirable for the Kammala community and it is long overdue. For the last 20 or 25 years the law relating to succession and marital relations of several communities in the State were seriously taken into consideration and laws were promulgated accordingly for them. In all those Regulations, Government took upon themselves the responsibility of formulating laws relating to succession and other things. In this case I think that Government were rather tired of the matter.

DEPUTY PRESIDENT: Every word of what you say is irrelevant. We are now only concerned with the principle of the Bill.

MR. N. E. VARUGHESE (*Tiruvalla I*): Sir, I am only developing my arguments that there are no substantial materials before the House whether the principle enunciated in the Bill is just and sufficient as to meet the needs and desires of this particular community. An official enquiry ought to have been made and Government ought to have taken upon themselves the responsibility of ascertaining the views of the leading members of this community which the Government shirk to do.

DEPUTY PRESIDENT: Mr. Varughese, has made himself quite relevant.

MR. N. E. VARUGHESE (*Tiruvalla I*): And as such, I bring to the notice of this House that there are no official material before the House to know what the requirements of this important community are, what changes they require in the existing customs, what are their evil effects and how they affect the community as a whole. The information that we have at present is not authenticated properly. We are forced to believe what Mr. Nilkantan has informed us, and he obtained the information after consulting only certain members of the community. What I say is that there is another section of the community which is not served in any way by the provisions of this Bill. My friend Mr. Nilakantan wants, as stated in the Preamble, to confine these provisions only to Malayalam-speaking Kammalas. But I will be the last man to associate myself to a bill that will bifurcate an important cammunity in the State. As has been pointed out by the Law Member, it seems that there are very important technical objections which would make it doubtful whether this Assembly or the Select Committee would be able to go on with the further consideration of the Bill. Unless that is assured, the work that would be done by the Select Committee will not fruitify and so I ask what is the benefit of wasting our energy in this matter.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Is it not open to the Select Committee to collect further evidence in the matter by taking evidence from competent members of the community?

MR. N. E. VARUGHESE (*Tiruvalla I*): It is open to them. But I doubt whether it is possible or feasible for the Select Committee to ascertain the views of the members of this community as a whole. They may summon a few witnesses as would be chosen by the mover or some other members of the Select Committee. But is that the way to ascertain the view of the community as a whole.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether the member is aware that Government have already made a preliminary enquiry in the matter?

MR. N. E. VARUGHESE (*Tiruvalla I*): They might have, but the results of that enquiry are not before us. The members of the Select Committee have now nothing to base their conclusions upon. To a question put to Mr. Nilakantan by me, he answered that different customs prevail among the community in the different taluks of the State. Has the honourable member made any attempt to reconcile those different views and opinions in formulating the provisions in the Bill. I think he has done nothing of that sort. Sir, I know that there are diametrically opposite views in the questions of inheritance and succession among these Kammalas even in a single locality. So it is highly necessary that we must have an official record, a thoroughly scrutinised record to base our conclusions upon.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know what the member means by an official enquiry?

MR. N. E. VARUGHESE (*Tiruvalla I*): An official enquiry means an enquiry conducted under Government auspices, under their control

and supervision. That is, a valid enquiry, an enquiry the findings of which will have some authoritative weight.

Another point which I object to is the inclusion of Kallassaris among Kammalas. Sir, I beg to submit, that the Kallassaris are entirely different from the other Kammalas. They do not intermarry. In certain places, males may associate but the females would not. They are a totally different community basing their origins on different traces. So to include those persons also among the Kammalas is quite objectionable. Hence, under these circumstances, I am at a loss to decide either way.............

MR. G. NILAKANTAN (*Nominated*): Does the member say that Government have gone wrong to include them as Kammalas?

MR. N. E. VARUGHESE (*Tiruvalla I*): If the so-called Kallassaris, as I know them, are included as Kammalas, I am certain that Gvoernment have gone wrong. Now, Sir, I am at a loss to decide either way. I have not got sufficient materials before me to get convinced that the provisions are quite adequate to meet the desires and necessities of the community. It is not enough that Mr. Nilakantan vouchsafes their soundness; and it is not enough that my other friend, the co-opted member, to say that he is willing to agree to the principle of Bill, provided, the Tamil speaking Kammalas are also included. By reading the whole Bill and after hearing the speech of the honourable member Mr. Nilakantan, it seems that some confusion is brought in the matter. My honourable friend is inconsistent in his views. He has no definite ideas in his mind. The question whether he is right in permitting himself to allow the Tamil speaking Kammalas to come under the scope of the Bill is not definite to him.

Under these circumstances and in the face of these difficulties and technicalities it is better for my honourable friend to withdraw the Bill and substitute another in a more comprehensive manner after ascertaining the views of all those who are likely to be affected by this Bill.

I think it will be better for my friend to withdraw the Bill and substitute another bill in a more comprehensive manner, after ascertaining the views of both of these sub-divisions. Their views should be obtained officially if possible. After that, if another Bill is introduced it will serve the needs of the community. As it is, I am under a dilemma and I am not representing any opinion either to support or oppose this Bill.

MR. P. C. KURIYAN (*Kottayam I*): I am rather nervous to take one side or other.

DEPUTY PRESIDENT: I think there will be time to get over your nervousness', because the House will now adjourn and meet again at 11 o'clock tomorrow.

The House adjourned at 5-3 P. M.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Mulam Assembly.

THE TRAVANCORE SRI MULAM ASSEMBLY.

OFFICIAL REPORT.

FIRST ASSEMBLY.

NINTH SESSION.

Friday, the 27th November 1936/12th Vrischikam 1112.

The Assembly met again in the Victoria Jubilee Town Hall, at Eleven of the Clock, with the President in the Chair.

QUESTIONS AND ANSWERS.

212. *MR. S. J. NAIR (*Nedumangad*): Will the Government be pleased to state the names of undergraduate clerks who became graduates in 1108, 1109 and 1110 in the Huzur Office, the Account Office and the Land Revenue Department, their date of confirmation, the total service and the pay on 1-10-1111 ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) :

Name.	Date of confirmation.	Total service.			Pay on 1-10-1111.
		Y.	M.	D.	
Huzur Office.					
K. C. Chacko ...	1-6-1108	3	4	0	Rs. 30
Account Office.					
T. Narayana Aiyar ...	28-5-1108	6	1	15	Rs. 30
C. O. Kesavan ..	1-1-1106	7	6	0	Rs. 30
Land Revenue Department.					
P. N. Madhavan Nair. ...	10-8-1108	3	10	20	Rs. 22
K. K. Ramachandra Kaimal	1-7-1104	13	7	0	Rs. 22

G. P. T. 1933. 850. 5-9-1112.

MR. S. J. NAIR (*Nedumangad*): With reference to the answer given in this House that in the Huzur Office a clerk was confirmed on 1-6-1108 with a total service of 3 years and 4 months and that in the Account Office one clerk (the second name in the list) was confirmed on 1-1-1106 with a total service of 7 years and 6 months and that they get Rs. 30 each and that in the Land Revenue Department one Mr. Kaimal was confirmed long before the others were confirmed and that he gets only Rs. 22, may I know the reason for such desparity between their pay?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Sir, in the Huzur Office and in the Account Office, the scale of pay of the lowest grade of clerks is Rs. 25 to 40. These clerks were confirmed on Rs. 25 and received regular increments in the scale of Rs. 25-40. But in the Land Revenue Department the lowest scale of pay is, I believe, Rs. 20 to 25 and in the usual course the clerk there might have got only Rs. 22. I must say I have not enquired into the details.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether the claims of these persons have been considered along with the appointment of fresh graduate clerks?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes, they must have been considered.

Agency for sale of Rubber goods.

213. *MR. R. SIVARAMAN NAIR (*Tiruvalla II*): Will the Government be pleased to state:

(*a*) whether they have appointed any one as agent for the sale of the goods produced in the Travancore Rubber Factory;

(*b*) if the answer to part (*a*) is in the affirmative, whether it is a Company or a Firm;

(*c*) if the answer to part (*b*) is "Company", the name of that Company, its Directors, where its head office is, and whether it has got any branches;

(*d*) if the answer to part (*b*) is "Firm", the names of the partners;

(*e*) the terms of the agency;

(*f*) what all work is done by the agents to sell the goods; and

(*g*) the value of goods sold by them?

MR. C. KUMARA DAS (*Director of Industries*): (*a*) Yes.

(*b*) One is a Company and the other Mr. Kanji Dwarakadas, Travancore Trade Agent, Bombay.

(*c*) The South India Corporation, Ltd., Mattanchery, Cochin, is the name of the Company. The Directors are (1) The Hon'ble Rajah Sir Annamalai Chettiar of Chettinad KT., LL. D., Director and Chairman, Board of Directors; (2) Kumararajah M. A. Muthiah Chettiar of Chettinad (3) Mr. M. R. M. Ramanathan Chettiar; (4) Mr. S. V. N. Nachiappa Chettiar, Director and Manager, Cochin Branch; (5) Mr. T. N. Ramanathan Chettiar; (6) Mr. M. R. M. Malayandi Chettiar; and (7) Mr. K. R. M. N. Kasi Chettiar. The Head Office is at Pudukotta and the branches are at Mattanchery, Coimbatore, Madras, etc.

(*d*) This does not arise.

(*e*) 20 per cent. commission on the list prices with territorial right for commission for all sales in the areas specified in the agreement. Cash security of Bh. Rs. 5,000 has been taken from the South India Corporation, Ltd.

(*f*) Canvassing of orders, advertisement work, appointment of sub-agents, etc.

(*g*) Goods to the value of Rs. 10,442.

MR. R. SIVARAMAN NAIR (*Thiruvalla II*): May I know whether there is any agency appointed for Travancore?

MR. C. KUMARA DAS (*Director of Industries*): No, Sir.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): May I know whether the price lists have been published?

MR. C. KUMARA DAS (*Director of Industries*): The lists have not been published.

MR. K. P. KRISHNA MENON (*Parur*): May I know the reasons why a price list was not published before the work was begun?

MR. C. KUMARA DAS (*Director of Industries*): The list is being prepared.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know whether Mr. Kanj Dwaraka Das is a full-time officer?

MR. C. KUMARA DAS (*Director of Industries*): Yes.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know whether an additional commission is given for him to attend to the work of selling the rubber products?

MR. C. KUMARA DAS (*Director of Industries*): According to his terms of agreement he is to receive a certain amount of commission.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know whether this additional work entrusted to him will not injuriously affect his other work as the Trade Agent for Travancore?

MR. C. KUMARA DAS (*Director of Industries*): Sir, his work is to canvass orders for all Travancore goods.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know from the Government whether there is not a rule that an officer should not enter into any work other than the work for which he is appointed?

MR. C. KUMARA DAS (*Director of Industries*): Yes, he has been appointed for this.

MR. S. J. NAIR (*Nedumangad*): May I know whether there is any show-room erected for exhibiting the products?

MR. C. KUMARA DAS (*Director of Industries*): There is a small room attached to the Rubber Factory.

MR. S. J. NAIR (*Nedumangad*): May I know whether it is located in an out of the way place and whether it is not necessary that it should be located in an important section of the town?

MR. C. KUMARA DAS (*Director of Industries*): Some of the articles are exhibited in the town.

MR. S. PADMANABHA MENON (*Shertala I*): May I know the commission that the sole agent receives ?

MR. C. KUMARA DAS (*Director of Industries*): Whoever makes the sale of the articles the sole agent gets the commission. In a territory which is allotted to a particular agent even though the sales may be effected by other persons the sole agent is entitled to a commission.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether this commission is from the 20 per cent. allotted ?

MR. C. KUMARA DAS (*Director of Industries*): Yes.

Newly sanctioned Vernacular Schools.

214. *MR. R. SIVARAMAN NAIR (*Tiruvalla II*): Will the Government be pleased to state:

(*a*) the names of the V. M. and V. H. Schools recommended by the Division Inspector, Tiruvalla, to be newly sanctioned in Edavam 1111; and

(*b*) the names of schools newly sanctioned in Edavam 1111 ?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*):

(*a*) V. H. Schools :—1 Perunnai N. S. S. V. H. School.
2 Kumbanad Noel Memorial School.
3 Ullannoor.
4 Thadiyur N. M. S.

V. M. Schools :—1 Chenappady N. S. S.
2 Vallikodu—Kottayam N. S. S.
3 Chirakadavu.
4 Srikrishnavilasom, Konni.
5 Madappally.
6 St. Dominics, Kanjirappally.
7 Oathara.
8 Mezhuveli.
9 Peringaliprom.
10 Velliyara.
11 Kuriannur.
12 Kallara.
13 Kumbanad.

(*b*) V. H. Schools :—1 Perunnai N. S. S.
2 Kumbanad Noel Memorial.

V. M. Schools :—1 Chenappady N. S. S.
2 Vallikodu—Kottayam N. S. S.
3 Chirakadavu.
4 Srikrishnavilasom, Konni.
5 Madappally.
6 St. Dominics, Kanjirappally.
7 Oathara.
8 Mezhuveli.
9. Kumbanad.

The Rubber Factory.

215. ***MR. R. SIVARAMAN NAIR** (*Tiruvalla II*): Will the Government be pleased to state:

(*a*) whether the Dewan, the Chief Secretary to Government or the Director of Industries visited the Travancore Rubber Factory since its opening; and

(*b*) if the answer to part (*a*) is in the affirmative, the dates of such visits?

MR. C. KUMARA DAS (*Director of Industries*): (*a*) Yes.

(*b*) The Dewan visited the Factory on 6-11-1936. The dates of the visits of the other officers have not been recorded.

Pallivasal Hydro-Electric Scheme.

216. ***MR. R. SIVARAMAN NAIR** (*Tiruvalla II*): Will the Government be pleased to state whether the work in the Tunnel Section of the Pallivasal Hydro-Electric Scheme has been completed?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): No.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know from the Government whether there is anything really wrong with regard to the Power House at Pallivasal?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): A similar question was answered two days ago and I then stated that there was nothing wrong with the Power House. Two generating sets have been installed in it and if there is any the least subsidence or settlement of the foundations of the Power House, it can easily be detected by means of the micro-metre feeler gauge. After the heavy rains of October last, it was discovered that there was a slip on an adjacent hill slope 200 feet away from the site of the Power House. In order to find out whether at any time the foundations of the Power House would be affected, trial borings are now being taken and it appears hard rock has been struck about 15 to 20 feet below. Some protective works will be carried out to ensure perfect safety and that may be sufficient.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is it the member's opinion that everything is quite alright with regard to the Power House?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Certainly, so far as the information now with Government goes.

Supply of cloth to the Forest Department.

217. ***MR. R. SIVARAMAN NAIR** (*Tiruvalla II*): Will the Government be pleased to state:

(*a*) whether the Department of Industries had any contract with the Forest Department for the supply of cloth in 1111; and

(*b*) if the answer to part (*a*) is in the affirmative, whether it has been executed?

MR. C. KUMARA DAS (*Director of Industries*): (*a*) and (*b*) An order for the supply of 31 pieces of turban cloth for foresters and 240 pieces for guards was received by the Textile Expert and executed in the Central Technological Institute.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): May I know whether the Forest Department approved all the supplies?

MR. C. KUMARA DAS (*Director of Industries*): They have approved all the supplies except 34 pieces of cloth.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know the reason why the 34 pieces were declined by the Forest Department?

MR. C. KUMARA DAS (*Director of Industries*): The yarn used in the making of these pieces was not uniformly coloured.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the Industrial Department had received instructions with regard to the quality to be supplied?

MR. C. KUMARA DAS (*Director of Industries*): Yes.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Why then these difficulties arose?

MR. C. KUMARA DAS (*Director of Industries*): It was rainy season and the yarn did not get dried. Moreover they required it early. Out of the 200 and odd pieces supplied only 34 pieces were found to be defective.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know what the Department is going to do with these 34 pieces?

MR. C. KUMARA DAS (*Director of Industries*): They are being re-dried and given to other departments.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether there is any other department which can make use of this?

MR. C. KUMARA DAS (*Director of Industries*): They have already been supplied to another department.

The Kallara Public Market.

218. *MR. S. J. NAIR (*Nedumangad*): Will the Government be pleased to state:

(*a*) the date on which the Kallara public market was established, the date on which the acquisition of land for the same was completed and the date on which it was declared as a public market:

(*b*) whether Kallara market is within a radius of 3 miles from the Pangode market; and

(*c*) whether it is a fact that the present Kallara public market is an inconvenient location, that the lessee of this market as well as that of Pangode market complains about incurred loss?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

(*a*) The Kallara public market was established on 2-1-1112. The land acquisition proceedings have not been completed. The site was declared as a public market as per notification published in the Government Gazette dated the 29th September 1936.

(*b*) Yes.

(*c*) The answer is in the negative.

MR. S. J. NAIR (*Nedumangad*): May I know, with regard to the answer to part (*b*), whether there is any rule that a public market should be located only beyond a certain distance from another market?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): There is no rule.

MR. S. J. NAIR (*Nedumangad*) ; Is it the member's opinion that there is no rule regulating the distance between two markets?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): There is no rule. But notice should be issued to the neighbouring markets to enable them to raise objections if there are any.

MR. S. J. NAIR (*Nedumangad*) : May I know whether the location of the former Kallara market was much more convenient than the present one ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : No.

Maintenance of roads in the Nedumangad Taluk.

219. *MR. S. J. NAIR (*Nedumangad*) : Will the Government be pleased to state:

(*a*) what was the amount of the annual maintenance allotment of the branch roads in the Nedumangad taluk in the years 1105, 1106, 1107, 1108, 1109, 1110, and 1111 respectively ;

(*b*) what is the amount actually spent for the maintenance of the branch roads in the Nedumangad taluk ;

(*c*) what is the amount allotted for the year 1112 ;

(*d*) whether there is maintenance allotment for the village roads known as Nedumangad-Aruvikara trace and Pirappancode-Pothencodu trace ; and

(*e*) if the answer to part (*d*) is in the affirmative, whether any money is being spent for the maintenance of the above two village roads ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) :

(*a*), (b) and (*c*) A * statement is placed on the table.

(*d*) Yes.

(*e*) Yes.

MR. S. J. NAIR (*Nedumangad*) ; With reference to the answer to parts (*a*), (*b*) & (*c*), may I know from the Government whether they are aware that all the roads given in Appendix I have been left neglected since 1111 ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : No.

MR. S. J. NAIR (*Nedumangad*) : May I know whether the Government are aware that even the Tahsildar of Nedumangad has made a complaint with regard to the neglected and dangerous condition of the Vembayam-Nedumangad road ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : I do not think that there is any complaint.

MR. S. J. NAIR (*Nedumangad*) : May I know whether the Government will look into this question in the near future ?

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*Vide Appendix I pages 729 and 730.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The roads were duly inspected by the Divisional and Sub-Divisional Officers.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Chief Engineer has inspected any of these roads? Is the member able to tell the distance of the Nedumangad town from the headquarters of the Chief Engineer?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I do not know.

MR. S. J. NAIR (*Nedumangad*): In spite of the request made by the honourable member for Nedumangad, may I know whether the Chief Engineer has visited any of these roads?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): No, Sir, he has something else to do.

MR. S. J. NAIR (*Nedumangad*): May I know what Government mean when the Chief Engineer answers that he has something else to do? (*Laughter*).

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): It means the Chief Engineer has something else to do.

MR. S. J. NAIR (*Nedumangad*): Then, may I know whether any other officer from Government would look into this complaint that these roads are completely left neglected?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): It is not necessary. The departmental officers have visited these roads.

MR. S. J. NAIR (*Nedumangad*): Sir, may I know whether these roads are being maintained for the convenience of the people or for the department?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): For the people.

MR. S. J. NAIR (*Nedumangad*): Are the Government aware that there is much inconvenience to the people now?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I do not know, Sir. (*Laughter*).

MR. S. J. NAIR (*Nedumangad*): Sir, I request the President humbly to make a request to the Dewan to pay a surprise visit to any one of these roads?

PRESIDENT: The honourable member's request to the President to make a request to the Dewan is noted.

Irrigation Canals in Pandalam Vadakkekara.

220. *MR. E. K. KUNJURAMAN (*Nominated*): Will the Government be pleased to state;

(*a*) whether they know the number of canals which drain the water that flow down from the hilly regions of the northern part of the Pandalam-Vadakkekara *pakuthi* into the Kidangannoor *puncha*; and

(*b*) on the sides of each of these canals, how many breaches have occurred and how many *paras* of paddy fields have become useless for cultivation due to the entrance of gravel which lie in heaps in the major portions of the above-mentioned fields?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) :

(*a*) Three main channels with a few tributaries.

(*b*) Two major breaches; and about 2½ acres of paddy lands were silted up thereby.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*) : May I know whether the Chief Engineer has received any petition saying that these breaches should be closed ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : Yes.

Culvert near Uzhamalakal Pakuthy Cutcherry.

221. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state :

(*a*) whether they are aware that the culvert in Arianadu-Nedumangad road near the Uzhamalakal *pakuthy* has been completely damaged in the flood of 1108 M. E.;

(*b*) why the culvert has not been repaired as yet;

(*c*) whether money was allotted for the purpose, tender was invited and contract given for its reconstruction a few years back ;

(*d*) if the answer to part (*c*) is in the affirmative, why the work was not completed; and

(*e*) whether they are aware that the road is closed for cart traffic?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) :

(*a*) A bridge in 6/7 Nedumangad-Shorlacode road was damaged during the heavy rains of Kanni 1109.

(*b*) The work is held up for want of funds.

(*c*) No.

(*d*) This does not arise.

(*e*) Yes.

MR. S. J. NAIR (*Nedumangad*): With reference to the answer to part (*e*), may I know the distance of the road that is being closed for cart traffic ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : I cannot give the length of the road.

MR. S. J. NAIR (*Nedumangad*) : May I know whether it will be at least five or six miles ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) ; I do not know, Sir.

MR. S. J. NAIR (*Nedumangad*) : May I know whether that road was not closed since 1101 in the absence of one culvert ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : Through wheeled traffic was closed from 1109.

MR. S. J. NAIR (*Nedumangad*) : May I know the reason why in all these years that road has been left neglected ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : We have not the funds. There is only maintenance allotment for that road.

MR. S. J. NAIR (*Nedumangad*) : May I know whether it is not a waste of the public fund when a maintenance allotment is provided for a road that has been left closed for cart traffic since 1101 ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : No, only wheeled traffic is closed.

Trivandrum Panchayat Court.

222. ***MR. N. ABDUR RAHIMAN SAHIB** (*Nominated*) : Will the Government be pleased to state :

(*a*) how many sittings were there in the Trivandrum Panchayat Court ;

(i) during the last six months up to 10-3-1112 ;

(ii) during Chingam and Kanni 1111 ;

(iii) during Chingam and Kanni 1112 ; and

(*b*) how many times the Judges had to return for want of quorum ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) :

(*a*) (i) 63.

(ii) 21.

(iii) 13.

(*b*) 38 times during the last six months up to the 10th Tulam 1112.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*) : May I know the reason why there were only 18 sittings this year while there were 21 sittings in the corresponding month of last year ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : I believe many times the Judges could not meet for want of quorum.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*) : May I know whether it was after the bifurcation that the Judges had to return 38 times ?

RAO BAHADUR RAJYASEVANIRATA DR. N KUNJAN PILLAI (*Chief Secretary to Government*) : I claim notice.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*) : When did that bifurcation take place ?

PRESIDENT : Please repeat the question in a louder voice.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*) : When did that bifurcation take place ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : I do not remember the exact date. I believe it took place some time towards the end of last year.

MR. E. V. KRISHNA PILLAI (*Pattanamitta*) : With reference to the answer to part (*b*), may I know whether the Government enquired into the circumstances which led to the Judges' return so many times for want of quorum ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : No, not yet.

MR. K. R. ELENKATH (*Kalkulam I*) : Is there not a rule insisting on the presence of the judges for a prescribed number of consecutive sittings of the court ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I do not think that there is any such rule.

MR. K. R. ELENKATH (*Kalkulam I*): Do they not forfeit their seats if they continuously absent themselves?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): If the matter is reported to Government the Judges may be removed by Government if they are convinced that they absented themselves without sufficient reason.

Supply of drinking water to coastal pakuthies.

223. ***MR. T. KRISHNA PILLAI** (*Neyyattinkara II*): Will the Government be pleased to state:

(*a*) the steps taken by them to supply good drinking water to the inhabitants of the coastal *pakuthies* of the Neyyattinkara taluk; and

(*b*) the number of wells sunk at Government cost in the above *pakuthies* during the last four years (1108-1111) and the amount allotted for each of these four years?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) Sinking of protected sanitary wells according to the reports of the Director of Public Health or the Protector of the Depressed Classes.

(*b*) A *statement containing the required information is laid on the table.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether the reports referred to in part (*a*) of the answer contained any recommendation for the supply of drinking water to other parts of the State?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The reports relate to coastal regions only.

MR. K. PADMANABHAN (*Chirayinkil I*): Coastal regions throughout the whole State?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether there is any scheme for the supply of water to coastal regions of the Chirayinkil taluk?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I do not think that there is any such scheme now before the Government. I claim notice.

Superannuated officers retained in service.

224. ***MR. T. KRISHNA PILLAI** (*Neyyattinkara II*): Will the Government be pleased to state the number of superannuated officers retained in service with their respective pay, pension and designation?

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* *Vide* Appendix II, page 731.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Miss D. H. Watts, Directress, State Guests Department—Pay Bh. Rs. 600 and Pension Rs. 442-4-0 and Mr. S. C. H. Robinson, Game Warden—Pay Rs. 400 and Pension Rs. 610-20-0.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know whether any age-limit has been fixed for these officers?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know whether the Government have in contemplation any proposal to give any more pension or gratuity to these officers for their second service?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know whether these officers are to be given any pension for their service after retirement?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I have just answered that question in the negative.

MR. A. THANU PILLAI (*Trivandrum-Rural*): We here, did not hear.

Koran in Law Courts.

225. ***MR. N. ABDUR RAHIMAN SAHIB** (*Nominated*): Will the Government be pleased to state whether the swearing on Koran by Muslim witnesses is insisted on in the Criminal Courts of the State as indispensable?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): What is the general practice in Criminal Courts in regard to swearing by the Muslim witnesses?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): If any Muslim objects to touching the Koran while swearing, he is not compelled to do so?

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Am I to understand that only solemn affirmation is insisted upon?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I think so.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Have the Government received any complaint in this matter?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir.

Importation of Scindhi Bulls.

226. ***MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) whether infection of tuberculosis is being caused among the cattle by the importation of Scindhi bulls and cows;

(b) whether the Scindhi bulls and cows are examined as soon as they are imported into Travancore to ascertain whether they are suffering from tuberculosis; and

(c) if the answer to part (b) is in the affirmative, the method of test that is being applied?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (a) No.

(b) Yes.

(c) Tuberculin test by intra-dermal inoculation.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether the President of the Imperial Animal Disease Conference has published a report, for the general information of the public and of the Government, with regard to the infection of tuberculosis in cattle?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): He might have; I have not seen the report myself.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the Scindhi bulls alone are liable to this disease?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, all cattle are.

The Tuckalay Sugar Factory.

227. ***MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will the Government be pleased to state:

(a) whether the Tuckalay Sugar Factory is working now (11-3-'12);

(b) if the answer to part (a) is in the negative, the reasons for the same;

(c) whether they have cancelled the contract regarding the working of the said factory and if so, the reasons for the same; and

(d) the steps taken by them in connection with the management of the factory after the cancellation of the contract?

MR. C. KUMARA DAS (*Director of Industries*): (a) No.

(b) Owing to seasonal conditions.

(c) Not so far.

(d) In view of the answer to part (c), the question does not arise.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know the period for which the factory has not been working?

MR. C. KUMARA DAS (*Director of Industries*): From about the middle of September, it has not been working.

PRESIDENT: Honourable members will please speak up.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know the nature of the seasonal conditions owing to which the factory could not work?

MR. C. KUMARA DAS (*Director of Industries*): The jaggery season was over, and the next jaggery season has not yet begun.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Did the factory work during this period in the previous year?

MR. C. KUMARA DAS (*Director of Industries*): No.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Was there any jaggery in stock on the day on which the work was stopped?

MR. C. KUMARA DAS (*Director of Industries*): No, Sir.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know when the work will be recommenced?

MR. C. KUMARA DAS (*Director of Industries*): It is left to the contractors.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is it the position that it is left entirely to the contractors, and that the Government have nothing to do with the working of the factory?

MR. C. KUMARA DAS (*Director of Industries*): Government are corresponding with the contractors, and are asking them to start the work again.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Was it on account of any reluctance on the part of the contractors that the factory stopped working?

MR. C. KUMARA DAS (*Direcctor of Industries*): No, Sir.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know the period.........

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): There is only one chance, sir, for putting supplementary questions.

PRESIDENT: I will give you a chance, if you want.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Thank you, Sir. May I know......

PRESIDENT: Mr. Asan.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know the period for which the factory does not work every year owing to seasonal conditions?

MR. C. KUMARA DAS (*Director of Industries*): It varies; it depends on the availability of raw material

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is there any condition in the agreement with the contractors as to the period for which the factory could be kept closed every year?

MR. C. KUMARA DAS (*Director of Industries*): No, Sir.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is it left to the contractors to close it for any length of time they please?

MR. C. KUMARA DAS (*Director of Industries*): The factory cannot work without raw material.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Since the preparation of this answer, have the Government passed any orders in regard to this contract?

MR. C. KUMARA DAS (*Director of Industries*): No, Sir.

MR. M. SIVATANU PILLAI (*Tovla*): Am I to understand that the factory works only during the time of the availability of raw material, and lies idle at other times?

MR. C. KUMARA DAS (*Director of Industries*); Yes; it cannot work when there is no raw material.

MR. M. SIVATANU PILLAI (*Tovala*): Is there no arrangement to store up raw material for use during the period when it is not available in the market?

MR. C. KUMARA DAS (*Director of Industries*): No.

MR. S. J. NAIR (*Nedumangad*): Is it not possible to do it?

MR. C. KUMARA DAS (*Director of Industries*): It depends on the money available; and it may not be paying.

MR. S. J. NAIR (*Nedumangad*): Have the contractors made a request to Government that they should invest the necessary money and stock the raw material so that the contractors could buy it from Government as and when they need it?

MR. C. KUMARA DAS (*Director of Industries*): Yes, Sir.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Is there any reason, other than the passing of the jaggery season, for the factory not working?

MR. C. KUMARA DAS (*Director of Industries*): No, Sir.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Who are the parties to the contract referred to in part (c) of the question?

MR. C. KUMARA DAS (*Director of Industries*): Messrs. Chary and Srinivasan.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): They form one party to the contract; there must be two parties for every contract. Who is the other party?

MR. C. KUMARA DAS (*Director of Industries*): The parties to the contract are the Sugar Factory, the Company, on the one hand, and Messrs. Chary and Srinivasan, on the other.

RAO SAHIB MAHA KAVI S. PARAMESVARA AIYAR (*Nominated*): Do the sugar factories at Tachanallur and other places remain closed for some months every year for want of raw material?

MR. C. KUMARA DAS (*Director of Industries*): I do not know.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Have the Government any direct control over the contract?

MR. C. KUMARA DAS (*Director of Industries*): No.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know whether the sugar factory is now a paying concern?

MR. C. KUMARA DAS (*Director of Industries*): It is not working now.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): When it works, does it pay?

MR. C. KUMARA DAS (*Director of Industries*): Sometimes it does; sometimes it does not.

MR. K. R. ELENKATH (*Kalkulam I*): Is it open to the present contractor to begin work when he pleases?

MR. C. KUMARA DAS (*Director of Industries*): Yes.

MR. K. R. ELENKATH (*Kalkulam I*): Have the Government ordered that work should be stopped unless and until the contract is renewed on fresh terms?

MR. C. KUMARA DAS (*Director of Industries*): No.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know whether *bona fide* Travancoreans have recently applied for the contract to run the factory?

MR. C. KUMARA DAS (*Director of Industries*) Yes.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know what has happened to those appplications?

MR. C. KUMARA DAS (*Director of Industries*): Since there is a contract already in force, those applications could not be considered.

MR. A. EASWARA PILLAI (*Kalkulam II*): At any time, has the factory worked throughout the year?

MR. C. KUMARA DAS (*Director of Industries*): No.

Sarkara-Althramoodu road in Chirayinkil.

228. *MR. S. J. NAIR (*Nedumangad*): Will the Government be pleased to state:

(*a*) what is the length of the Sarkara-Althramoodu road that lies between Bhagavathi Kottaram and Perumal Kottaram in Chirayinkil;

(*b*) whether the road is being maintained by the P. W. D.;

(*c*) whether it was maintained in the years 1111 and 1112 M. E. (15-3-12);

(*d*) whether the Government are aware that the road is in a dirty and useless condition at present:

(*e*) whether the road is unworthy for traffic; and

(*f*) why the road is not properly maintained?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) 4122 feet.

(*b*) No.

(*c*) This does not arise.

(*d*) The road is usable for carts and pedestrians.

(*e*) This does not arise.

(*f*) This does not arise in view of the answer to part (*b*).

MR. S. J. NAIR (*Nedumangad*): With reference to the answer to part (d), may I know whether the road is useful for cart traffic and for pedestrians?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The answer says it is.

MR. S. J. NAIR (*Nedumangad*): The answer says that it is *usable*. I want to know whether it is *useful*.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Carts and pedestrians are using it: therefore it must be useful.

MR. S. J. NAIR (*Nedumangad*): Are the Government aware that it is on account of the absence of any other road that the people are compelled to make this road usable by carts and pedestrians?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): That question by the honourable member makes it clear that the road is useful.

MR. S. J. NAIR (*Nedumangad*) : If the road is useful why is it that it is not being maintained properly?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*). It is maintained by the Devaswom Department, I believe.

Maintenance of Alleppey-Shertala Canal.

229. ***MR. K. M. KRISHNAN** (*Ambalapuzha II*): Will the Governmen be pleased to state :

(*a*) whether any expense is yearly incurred in connection with the maintenance of the Alleppey-Shertala Canal that has been already opened ;

(*b*) if so, the amount so incurred for the last 7 years from 1105 to 1111 (both inclusive) ;

(*c*) whether sand is being silted up in the canal every year during rainy seasons ; and

(*d*) whether the Government are aware that the cocoanut trees standing on either side of the canal have become unyielding on account of the existence of the incompleted canal ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : (*a*) Yes.

(*b*) The amount incurred in

Year.		Rs.
1105	...	1,204
1106	...	897
1107	...	669
1108	...	1,160
1109	...	978
1110	...	736
1111	...	1,535

(*c*) Yes, but the silt is removed then and there.

(*d*) No.

MR. K. M. KRISHNAN (*Ambalapuzha II*) : May I know the various works that have to be done in connection with the maintenance of the canal ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : The removing of the silt and the trimming of the banks.

MR. K. M. KRISHNAN (*Ambalapuzha II*) : May I know whether the same kind of work has to be attended to year after year?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : I believe so.

MR. K. M. KRISHNAN (*Ambalapuzha II*): If so, why is it that the expenditure varies from year to year?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : More silt might have accumulated in a certain year, and of course, it would cost more to be removed.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Has any progress been made in the construction of this canal, since 1105 ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : No.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Do the Government intend extending the canal since the opening of the road in that area?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I am sure the honourable member must remember that that was discussed some little time ago. There was a proposal, but that has been shelved.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know whether it is the intention of the Government to take it up at any time in future?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): That is a question of future action, Sir.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): What is the amount that has actually been spent so far on the construction of this canal?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Rs. 5,52,803-25 chs.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): How many miles have been cut so far?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : 5 Miles and 3,083 feet.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*) : What is the estimated cost for the work yet to be done?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Rs. 1,57,100, I believe.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Have the Government received representations from the people to the effect that they are prepared to complete the canal at the estimated cost?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Yes, and also representations from others that the canal should not be built.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): Has the land necessary for the canal been acquired?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): It is rather a complicated question. I can say that the lands already taken over by the P. W. D. are included in the compensation charges. I cannot say whether the whole of the land necessary has been acquired; certainly they are not with the P. W. D. yet.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Is the canal useful for boat traffic?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : Yes.

MR. S. J. NAIR (*Nedumangad*) : May I know why, after having expended such a large sum of money, the question is sought to be left as a complicated one, as has been answered by the Chief Engineer?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I said that the complication was regarding the acquisition of the land and the payment of compensation for such land. The question of completing the canal has been under consideration for a long time; and there are parties for and against it as the honourable member must have heard on the floor of this House.

MR. P. C. KURIYAN (*Kottayam I*): May I know whether Government propose to complete the canal?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): It is a question of future action.

MR. M. SIVATHANU PILLAI (*Torala*): May I know whether the expenditure incurred on the canal so far is commensurate with its usefulness?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): If I am to give my personal opinion I should say no.

MR. P. C. KURIYAN (*Kottayam I*): May I know whether Government consider it worthwhile to complete the work?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I do not think Government consider it worthwhile at present to complete the work.

Veterinary Hospitals.

230. *MR. K. M. KRISHNAN (*Ambalapuzha II*): Will the Government be pleased to state;

(*a*) the number of veterinary hospitals in the State maintained by the Government;

(*b*) the places where those hospitals are maintained;

(*c*) whether there is a veterinary hospital at Alleppey;

(*d*) if so, who the doctor in charge of it at present is;

(*e*) the number of cases treated in the hospital in the last two years (1110 and 1111); and

(*f*) the number recovered and the number died, respectively, in these two years?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (*a*) Fifteen hospitals and dispensaries.

(*b*) Nagercoil, Tuckalay, Kuzhithurai, Neyyattinkara (temporary), Trivandrum, Attingal, Quilon, Shencotta, Mavelikara, Tiruvalla, Alleppey, Kottayam, Meenachil, Perumbavoor and Paravur.

(*c*) Yes.

(*d*) Mr. B. Janardhana Aiyar.

(*e*) 1,600 in 1110 and 2,147 in 1111.

(*f*) Number of cases recovered in 1110 was 1,590 and that in 1111 was 2,139. The number died was 10 and 8, respectively.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know whether it is the doctor or the compounder who examines the animals?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Either the doctor or the compounder. The compounder will examine the minor cases.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know whether in spite of the presence of the doctor, the compounders alone examine the animals?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): In those cases, it might be quite enough if the compounder examines them.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know whether there is any rule prohibiting veterinary officers from going outside and examining cases?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): They are also expected to go outside and examine cases.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know whether doctors are refusing to go outside and attend cases?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Government are not aware.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Do the rules allow these doctors to attend on human cases?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The rules do not say anything in the matter. If a human patient prefers to be treated by a veterinary doctor, I do not believe there is any law preventing such a choice.

Waiting Shed at the Changanachery Boat Jetty.

231. *MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*): Will the Government be pleased to state:

(*a*) whether an estimate for a waiting shed at the Changanachery Boat Jetty has been called for;

(*b*) if the answer to part (*a*) is in the affirmative, whether the estimate has been received; and

(*c*) if the answer to part (*b*) is in the affirmative, what action has been taken upon it?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) No.

(*b*) and (*c*) In view of the answer to part (*a*), these do not arise.

Circular No. 1770 dated 22-5-1928 issued by the Director of Public Instruction.

232. *MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) whether they are aware of the Circular No. 1770, dated 22-5-1928, issued by the Director of Public Instruction sanctioning the raising of the salary of the peons in all the Vernacular Middle Schools in the State from Rs. 8 to Rs. 9-1/6-11;

(*b*) the steps taken hitherto in pursuance of the said circular;

(*c*) whether the above circular was given effect to; and

(*d*) if the answers to (*b*) and (*c*) are in the negative, the reasons for the same?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*):

(*a*) No.

(*b*), (*c*) and (*d*) In view of the answer to part (*a*) these do not arise.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether the Chief Inspector communicated to the Assistant Inspectors Circular No. 1770, dated 22-5-1928, sanctioning the raising of the salaries of the peons in all the Vernacular Schools?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): The answer is that there is no such Circular No. 1770, dated, 22-5-1928.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I want to know whether any Circular No. 1770 dated 22-5-1928 was issued to the Assistant Inspectors?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): No, Sir.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether there was any financial Circular No. 1770, dated 22-5-1928, sanctioning the raising of the salaries of the peons?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): No, Sir.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether there is any Circular No. 1770 at all?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instrution*): No, Sir. There is no Circular No. 1770 issued by the Director of Public Instruction.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether there is any circular dated 22-5-1928?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): No, Sir.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know whether that day was a working day for the office?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I claim notice.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): May I know whether any circular to the effect that the pay of the peons in the Vernacular Middle Schools has been raised from Rs. 8 to Rs. 9 was issued by the Director of Public Instruction or the Inspector of Schools?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): No, Sir.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether the Government member will enlighten us on what basis Mr. Velayudhan Pillai put the question?

PRESIDENT: I do not think that that is a legitimate query.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether the salaries of peons has been raised from Rs. 8 to Rs. 9?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): No, Sir.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): A word of personal explanation, Sir. If I am able to bring this fact to the notice of Government my request is that Government may be pleased to take action on the same.

PRESIDENT: Of course, if the matter is brought to the notice of Government they will take action.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): There was a circular, Sir.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): May I also be allowed to explain my position, Sir? There was a financial Circular No. 1770 dated 22-5-1928.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether any action was taken on that by the Director of Public Instruction?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): That circular did not apply to peons in Vernacular Middle Schools.

Kuttiyatodu Police Station.

233. *MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Will the Government be pleased to state:

(*a*) the date on which Kuttiyatodu Police Station ceased to be a charging station in charge of an Inspector of Police and the reasons for the same;

(*b*) the name of the charging station now for crimes committed in Kuttiyatodu and adjacent places;

(*c*) the distance between Arukutty Charging Station and Kuttiyatodu;

(*d*) the names of the various *pakuthies* comprising the police jurisdiction of Arukutty Police Station;

(*e*) whether they are aware of the great inconvenience caused to the people of Kuttiyatodu and Turavoor because of the abolition of the Kuttiyatodu Charging Station; and

(*f*) whether they have received any representation to have the charging station restored at Kuttiyatodu?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*):

(*a*) 1-9-1107; as a measure of retrenchment.

(*b*) Arukutty Police Station.

(*c*) Eight miles.

(*d*) (i) Vaduthalamattathilbhagom.

(ii) Panavalli.

(iii) Turavoor North.

(iv) Turavoor South.

(v) Arur.

(vi) Tykattuseri.

(*e*) No.

(*f*) No.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know the additional allotment that will be involved in retaining the Kuttiyatodu Police Station as a charging station?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I cannot say that now.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know the number of the staff at the Kuttiyatodu station?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): It is an out-post with three constables.

Acquisition of lands for the Police Station of Kuttiyatodu.

234. * MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Will the Government be pleased to state:

(*a*) whether lands have been acquired for constructing a larger Police Station at Kuttiyatodu; and

(*b*) if the answer to part (*a*) is in the affirmative, the date of acquisition and the amount spent for the same?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*):

(*a*) Yes.

(*b*) In the year 1099 at a cost of Rs. 7,050.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know in whose possession the site acquired is now?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I am not aware.

Lighting of Shertala Town.

235. * MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Will the Government be pleased to state:

(*a*) whether they have received a representation from Shertala regarding the lighting of Shertala town;

(*b*) whether the people have offered to provide at their cost a number of petromax lights and pillars on condition that the Conservancy Department undertakes the costs of lighting and maintaining the same; and

(*c*) if the answer to part (*b*) is in the affirmative, the nature of the action they have taken on these representations?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) Yes.

(*b*) Yes.

(*c*) The report of the Director of Public Health regarding the representation has been received and is being considered by Government.

Market for cocoanut products.

236. * MR. K. PADMANABHAN (*Chirayinkil I*): Will the Government be pleased to state whether they have taken any action subsequent to the last budget session of the Assembly in the matter of improving the market for cocoanut products?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The memorandum of the non-official members of the Sri Mulam Assembly and the Sri Chitra State Council on the need for protection of the cocoanut industry forwarded by the President of Thiruvithamcore Kera Karshaka Sanghom to the President of the Sri Mulam Assembly and Sri Chitra State Council in August 1936, has been sent to the Agent to the Governor-General, Madras States, for submission to His Excellency the Viceroy and Governor-General of India in Council for favourable consideration.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know the date on which the memorandum was received by Government?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): It was received on the 12th August 1936.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know when it was forwarded to the Government of India?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): On the 14th September 1936.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether Government received any reply from the Government of India?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know how long this question of improving the market for cocoanut products has been engaging the attention of Government?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Ever since the economic depression began and the prices of cocoanut products fell.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know the nature of the action taken so far?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Government have addressed the Government of India on two occasions and the memorial referred to has also been forwarded to them.

MR. K. PADMANABHAN (*Chirayinkil I*): Apart from the correspondence with the Government of India, may I know whether this Government have taken any action in the matter of improving the market for cocoanut?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The Trade Agent in Bombay is now doing good business in cocoanuts in Bombay. The price of cocoanuts has slightly risen.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether it is not due to the fall in the price of Ceylon cocoanut that the price has gone low?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether Government have considered the question of raising the tariff value on cocoanut products?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): This Government cannot raise the tariff value. They have addressed the Government of India on the subject.

MR. K. PADMANABHAN (*Chirayinkil I*): Will the Government be pleased to take some other effective step in this direction?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I do not understand what other effective step can be taken. If the member will suggest other steps, Government will consider them.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether Government will depute some officers so that the matter may be brought home to the Government of India?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): If Government consider such a step necessary they will do so.

MR. P. C. KURIYAN (*Kottayam I*): May I know whether there is any proposal for establishing quota system for cocoanuts as in the case of rubber?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, not with this Government.

Ayiroor-Nadayara road.

237. ***MR. K. PADMANABHAN** (*Chirayinkil I*): Will the Government be pleased to state:

(*a*) the length of the Ayiroor-Nadayara road in Chirayinkil taluk;
(*b*) the number of streamlets that cut across the road;
(*c*) the distance between such streamlets and
(*d*) the estimated cost of constructing culverts in those places?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*):

(*a*) 1½ miles
(*b*) 2.
(*c*) 1 furlong.
(*d*) Rs. 3,000 approximately.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether vehicular traffic is suspended when the streamlets are overflowing with water?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I should quite imagine that it would be. But I am not aware that it is suspended because of the streamlet.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether in view of the fact that traffic will be suspended during the rainy season Government will be pleased to look into the matter?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Yes.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know how many years ago the Ayiroor-Nadayara road was constructed?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I claim notice.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know why the culverts have not been constructed during all these years after the completion of the road?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): For want of funds.

Animal Husbandry Research Work.

238. * **MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) whether the President of the Conference of the Imperial Animal Husbandry Research Workers has forwarded to the Travancore Government several reports for their information;

(*b*) if the answer to part (*a*) is in the affirmative, the noticeable points that deserve the greatest attention of Government; and

(*c*) the action, if any, taken on such reports by them or the Department of Agriculture?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (*a*) Yes.

(*b*) and (*c*) The reports are under scrutiny.

The High Court Ruling in 18 T. L. J. 3.

239. * **MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) whether they are aware of the dictum laid down by the Travancore High Court in their ruling reported under short notes of cases at page 3 of T. L. J. Vol. XVIII which says:—

> "It is well to remember that a court has not merely to be in fact fair and just, but also has to make the parties feel confident that it is fair and just"; and

(*b*) whether the Government or the High Court have taken any steps to find out the Judicial Officers who have failed to satisfy this principle?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): (*a*) Yes.

(*b*) No instance of any judicial officer having failed to satisfy the dictum has come to the notice of the Government or of the High Court.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether the High Court or the Government have taken any steps to find out whether there are such judicial officers as do not satisfy the dictum?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No steps have been taken. But I do not admit that there are such judicial officers.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether Government are aware that any judicial officer is heavily involved in debt and is paying a large portion of his salary towards that?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): When any specific case is brought up Government will look into it. But now it is a hypothetical matter.

Extension of service to Judicial Officers.

240. * **MR. EDAVANATT S. PADMANABHA MENON** (*Shertala I*): Will the Government be pleased to state :

(*a*) whether the principle of giving extension to officers in the Judicial Department after completing 25 years' service, is accepted by them ;

(*b*) if the answer to part (*a*) is in the affirmative, the conditions and the reasons for the same ; and

(*c*) the number of officers in the subordinate judicial service who have been given extension in the year 1111 ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : (*a*) & (*b*) In the Judicial Department officers are, as a rule, retired when they attain their 55th year of age. In the case of ministerial officers, such as Sheristadars, Head Clerks and Copyists, extensions of service are granted up to the 60th year of age to those who are found physically and mentally fit for further service, irrespective of the fact that they have completed 25 years of service or otherwise.

(*c*) 48.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*) : May I know whether the period of retirement of judical officers has been extended to the fifty-seventh year of age ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : No, Sir.

MR. K. R. ELENKATH (*Kalkulam I*) : May I know whether the extensions were given on the recommendation of the subordinate officers ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : I claim notice. I have not got the details connected with all the forty-eight officers who have been granted extension of service.

MR. K. R. ELENKATH (*Kalkulam I*) : In fixing the period of retirement at sixty, may I know whether Government consider that the ministerial officers in the Judicial Department have less work requiring mental strength than the ministerial employees in other departments ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): This rule applied to the ministerial staff not only of the Judicial Department but of all departments.

MR. S. J. NAIR (*Nedumangad*) : May I know whether the age of retirement of judicial officers has been extended from fifty-five to fifty-seven ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : I have already answered 'no'!

MR. R. SIVARAMAN NAIR (*Tiruvalla II*) : May I know whether extensions are given because of paucity of men ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir. There is a plethora of men.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): Then on what principle are extensions given?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): When ministerial officers are physically and mentally fit extensions are given to them.

Valiakulam tank in Eraniel.

241. ***MR. A. EASWARA PILLAI** (*Kalkulam II*): Will the Government be pleased to state:

(*a*) whether water could be stored for irrigation purposes in the Valiakulam tank in Eraniel *pakuthi* now;

(*b*) how long it is since the tank was filled up with sand;

(*c*) when the tank was last repaired;

(*d*) the extent of that tank and the extent of the *ayacut* wet lands fed by the same; and

(*e*) whether the ryots under that Kulappuravu made repeated representations to the Chief Engineer and to the Government to restore the tank for agricultural purposes?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) Yes.

(*b*) For about 25 years.

(*c*) The information is not available.

(*d*) The tank is 11 acres in extent and has an *ayacut* of 59 acres.

(*e*) Yes.

MR. A. EASWARA PILLAI (*Kalkulam II*): May I know whether this is a minor or a major tank?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I think it is a minor tank.

MR. A. EASWARA PILLAI (*Kalkulam II*): May I know whether any repair was done during the last 12 years?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The honourable member knows that when the Kodayar Project was completed many of these tanks were left fallow.

MR. A. EASWARA PILLAI (*Kalkulam II*): May I know whether that tank was repaired at any time after it was constructed?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings, and Irrigation*); All that I know is that for the last 25 years it has been silted up.

MR. A. EASWARA PILLAI (*Kalkulam II*): May I know whether it can be used for agricultural purposes?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads Buildings and Irrigation*): Yes.

MR. A. EASWARA PILLAI (*Kalkulam II*): May I know what action has been taken by Government?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings, and Irrigation*): The Government have called for an estimate for putting the tank into repair?

MR. A. EASWARA PILLAI (*Kalkulam II*): May I know whether the Executive Engineer has visited the tank and submitted the estimate for repairing it?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Yes.

MR K. R. ELENKATH (*Kalkulam I*): Have the Government enquired how the fields that were being fed by the tank are now being fed and whether any hardship is being experienced by the people?

MR. G. B. E TRUSCOTT (*Chief Engineer Roads Buildings and Irrigation*): Government have not enquired.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether they have received representations from the people of that place urging the necessity for restoring the tank?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings, and Irrigation*): Yes.

MR. K. R. ELENKATH (*Kalkulam I*): What action has been taken on that?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings, and Irrigation*): An estimate has been called for for the restoration of the tank.

MR. M. SIVATANU PILLAI (*Tovala*): May I know from the Government whether the Government are realising water-tax from that?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Probably they are.

Manufacture of Rubber Goods.

242. ***MR. K. P. KRISHNA MENON** (*Parur*): Will the Government be pleased to state whether it is true that Mr. Helen keeps the manufacture of rubber goods an absolute secret, carrying out all the operations behind closed doors?

MR. C. KUMARA DAS (*Director of Industries*): No.

MR. K. P. KRISHNA MENON (*Parur*): May I know from Government whether the subordinates of the Rubber Factory have been able to produce rubber manufactured goods?

MR. C. KUMARA DAS (*Director of Industries*): The subordinates of the Rubber Factory are put in charge of different sections of work in the factory and they are interested in manufacturing rubber goods.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know from Government whether there is any secrecy at all kept as regards the manufacture of rubber goods in the Rubber Factory?

MR C. KUMARA DAS (*Director of Industries*): The subordinates in the Rubber Factory are being gradually taught the process for the manufacture of rubber.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know whether in the agreement between Mr. Helen and the Government there is any condition to say that the secret of the manufacture should not be taught to the subordinates?

MR. C. KUMARA DAS (*Director of Industries*): There is no such condition.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : May I know whether there was any occasion when Mr. Helen took any objection to the teaching of the process of manufacture of rubber goods to the subordinates of the department?

MR. C. KUMARA DAS (*Director of Industries*) : There was no such occasion.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Do Government think it profitable to see that Travancoreans are trained under Mr. Helen in regard to the manufacture of rubber goods ?

MR. C. KUMARA DAS (*Director of Industries*) : It is a matter of opinion.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) ; May I know whether any attempt has been made by Government to see that Travancoreans are taught the manufacture of rubber goods by Mr. Helen ?

MR. C. KUMARA DAS (*Director of Industries*) : I do not understand the question.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : May I know whether there is anybody else in the Rubber Factory on whose service the Travancore Government can count upon in regard to the manufacture of rubber goods ?

MR. C. KUMARA DAS (*Director of Industries*) : Yes.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : May I know whether the Government can say that there is anybody else in the Rubber Factory who knows the manufacture of rubber goods ?

MR. C. KUMARA DAS (*Direceor of Indstries*) : I have already answered that question.

MR. E. V. KRISHNA PILLAI (*Fattanamtitta*) : May I know whether there is any person in the Rubber Factory who knows the manufacture of rubber goods to the extent to which Mr. Helen knows ?

MR. C. KUMARA DAS (*Director of Industries*) : There is one.

MR. P. C. KURIYAN (*Kottayam I*) : May I know, whether Mr. Helen is in service ?

MR. C. KUMARA DAS (*Director of Industries*) : Yes.

MR. P. C. KURIYAN (*Kottayam I*) : May I know whether he is now in charge of the Rubber Factory ?

MR. C. KUMARA DAS (*Director of Industries*) : He is on leave at present.

MR P. C. KURIYAN (*Kottayam I*) : May I know, how long he is on leave ?

MR. C. KUMARA DAS (*Director of Industries*) : About two months.

MR. K. R. ELENKATH (*Kalkulam I*) : May I know whether the Rubber Factory suffered on account of the absence of Mr. Helen ?

MR. C. KUMARA DAS (*Director of Industries*). In the beginning there was some difficulty.

MR. K. R. ELENKATH (*Kalkulam I*) : May I know whether all the goods that were manufactured during Mr. Helen's time are now being manufactured ?

MR. C. KUMARA DAS (*Director of Industries*) : Things required for the market are being manufactured.

Transactions by Hypothecation deeds.

243. *MR. K. P. KRISHNA MENON (*Parur*): Will the Government be pleased to state:

(a) the number of new transactions effected by hypothecation deeds registered till the end of Karkatakam 1111 from the date on which the Agriculturists' Relief Bill was forwarded to the Select Committee;

(b) the total amount paid under the deeds registered;

(c) whether the deeds were executed as a security for the old unsecured debts; and

(d) if so, the number and the amount of such deeds?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (a) 36,830.

(b) Rs. 62,46,442.

(c) Some were such deeds.

(d) 12,516.

Rs. 24,47,246.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether the amount given in the answer represents cash payment?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): That is the amount given in the documemt.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I am asking about the amounts mentioned in the document. May I know whether it represents the cash payment or anything else?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I claim notice.

Police Inspectors, Excise Inspectors and Sub-Registrars.

244. *MR. G. NILAKANTAN (*Nominated*): Will the Government be pleased to state:

(a) the number of Police Inspectors, Excise Inspectors and Sub-Registrars, by caste, in the Police, Excise and the Registration Departments respectively; and

(b) the number of applicants for the above posts, by caste, from the backward and depressed classes?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (a) A *statement giving the required information is laid on the table.

(b) As the period during which the applications were received has not been specified, it is not possible to furnish the answer.

MR. G. NILAKANTAN (*Nominated*): May I know from the member why nobody was appointed from among the members of the Kammala community either as Police Inspector or Excise Inspector?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Probably there were no suitable candidates among the applicants.

**Vide* Appendix III page 732.

MR. G. NILAKANTAN (*Nominated*): May I know whether any reservation is made for appointment from among Kammala applicants?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir.

MR. G. NILAKANTAN (*Nominated*): May I know, if applicants are forthcoming from the Kammalas, they will consider the question of appointing them as Police Inspectors, Excise Inspectors, etc.?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): hereafter appointments will be made by the Public Service Commissioner on the basis of the Rules passed by Government.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Was there not in the Excise Department recently a Kammala drawing a higher pay?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The member who put the question was an officer of the Excise department.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): I presume the member does not mean me. (*Laughter*).

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I mean the honourable member who put the original question.

Agent for the sale of Rubber Goods.

245. ***MR. T. K. ALEXANDER** (*Kunnatnad I*): Will the Government be pleased to state:

(*a*) whether they have appointed any one as a sole agent for the goods produced in the Rubber Factory; and

(*b*) if so, what are the terms on which the agency has been appointed?

MR. C. KUMARA DAS (*Director of Industries*): (*a*) Yes,

(*b*) 20 % commission on the list prices with territorial right for commission for all sales in the areas specified in the agreement.

Cartable roads in the cardamom area.

246. ***MR. N. E. VARUGHESE** (*Tiruvalla I*): Will the Government be pleased to state:

(*a*) the length of cartable roads in the area cultivated with cardamom; and

(*b*) the amount of the maintenance grant for these roads?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) There are no cart roads in the area cultivated with cardamom.

(*b*) This does not arise.

MR. N. E. VARUGHESE (*Tiruvalla I*): May I know whether there are foot paths in the Cardamom area?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): None maintained by the P. W. D. as far as I know.

MR. N. E. VARUGHESE (*Tiruvalla I*): May I know the area of the cardamom cultivation?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I claim notice.

MR. N. E. VARUGHESE (*Tiruvalla I*): May I know whether there was any representation from the cultivators to open cartable roads?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I have no information.

MR. N. E. VARUGHESE (*Tiruvalla I*): May I know how cardamom is transported to outside markets?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I am not a cardamom cultivator.

Nadars in Government service.

247. ***MR. S. THIRAVIAM NADAR** (*Agastisvaram*): Will the Government be pleased to lay on the table the number of Hindu Nadars occupying the following posts:—

(i) Sirkar Vakil;
(ii) Munsiff;
(iii) Second Class Magistrate;
(iv) First Class Magistrate;
(v) Sub-Registrar;
(vi) District Registrar;
(vii) Police Inspector;
(viii) Excise Inspector; and
(ix) Assistant Inspector (Education Department)?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Nil, except one Police Inspector.

Bus service on the Quilon-Alleppey Road.

248. ***MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) whether the present Chief Engineer has at any time issued any prohibitory order or communicated the same to the Traffic Superintendent of Police, that one-ton and one and a half ton buses should not be allowed to ply for hire on the Quilon-Alleppey Road;

(*b*) whether the Traffic Superintendent of Police had, on the basis of the prohibitory order, cancelled the permits of the one-ton, and one and a half ton buses that were plying for hire on the Quilon-Alleppey Road;

(*c*) whether the cancellation of the permits of such buses has been subsequently cancelled and, if so, why;

(*d*) the total number of buses that had to stop plying for hire on the Quilon-Alleppey Road as the result of the cancellation of their permits by virtue of the Chief Engineer's prohibitory order; and

(*e*) the period during which these buses had no service as the result of the cancellation of their permits by virtue of the Chief Engineer's prohibitory order?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : (*a*) No prohibitory order was issued by the Chief Engineer. The opinion of the Chief Engineer regarding unsuitability of the route for heavy vehicles was taken as a guide.

(*b*) There was no cancellation of permits. Heavy buses on the route were stopped on receipt of Government orders upholding the Chief Engineer's opinion.

(*c*) The question does not arise. On receiving Government orders the buses were allowed to resume service.

(*d*) Seven buses were stopped.

(*e*) Five buses were stopped from 19-2-1936 to 2-4-1936 and two other buses (*Postal and Anchal*) from 21-3-1936 to 2-4-1936.

Confirmation of Graduate Teachers.

249. ***MR. K. A. NARAYANA PILLAI** (*Todupuzha* cum *Devicolam*): Will the Government be pleased to state :

(*a*) the principle adopted with regard to the confirmation of graduate teachers (second grade) in the Education Department;

(*b*) whether the date of first appointment is counted for seniority in the matter of confirmation;

(*c*) whether any deviation has been made in the policy of the Education Department since 1107 in the matter of recruitment and confirmation;

(*d*) the number of graduates recruited in 1101;

(*e*) whether they are confirmed or not;

(*f*) if not, why ;

(*g*) the nature of the vacancies in which they are now posted;

(*h*) if they are in permanent vacancies the dates from which they are in those vacancies ; and

(*i*) the dates from which those vacancies have become permanent?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*) :

(*a*) According to their rank in the seniority list of acting graduate teachers. It is presumed that the question refers to the old Second Grade.

(*b*) Yes, in some cases.

(*c*) Yes.

(*d*) 25.

(*e*) Ten persons have been confirmed.

(*f*) Partly due to the proposal to revise the seniority list and partly due to standardisation of salaries.

(*g*) One has left the service and the remaining fourteen persons are acting in permanent vacancies.

(*h*) & (*i*) *Statement furnishing the information is placed on the table.

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* *Vide* Appendix IV, page 733.

Bridge on the Mavelikara-Trikkunnapuzha Road.

250. *MR. A. ACHUTHAN (*Kartikapalli I*): Will the Government be pleased to state:

(*a*) whether any estimate had been prepared for the construction of a bridge on the Mavelikara-Trikkunnapuzha road and across the Pulikkizhu Canal a few furlongs to the west of the 9th milestone on the above road; and

(*b*) if the answer to part (*a*) is in the affirmative, the reason for the delay caused in putting up the bridge?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings, and Irrigation*):

(*a*) No.

(*b*) This does not arise in view of the answer to part (*a*).

Appointments in Municipalities.

251. *MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): Will the Government be pleased to state:

(*a*) whether the Government have directed the municipalities in the State that all vacancies that occur in future in the municipal staff should be reported to Government, and if, so, why such an order was issued; and

(*b*) whether it is the intention of Government that, in future, appointments in municipalities should be made by Government?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) Government have asked the Presidents of all the municipalities of the State that the available vacancies in the subordinate staff in the respective municipalities should be reported to Government. This was done with a view to find out whether it would be possible to provide in any of those municipalities for the disbanded employees of the Mavelikara Municipality which was abolished with effect from 1st Kanni 1112.

(*b*) No.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know how many persons were disbanded from the Mavelikara Municipality?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I claim notice.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know whether any of them has been provided for in other municipalties?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Not yet.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know whether the power of the Presidents of the Municipalities in making appointments has been suspended till all the men disbanded have been provided for?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No. The Presidents of the municipalities have been asked to report whether there are vacancies so that the disbanded men can be appointed. The power of making appointments exercisable by the Presidents has not been interfered with.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): May I know whether acting service in the municipality is a claim for Government service?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Is there not a rule which says that service in municipalities should be considered by Government?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I do not think so.

MR. M. SIVATHANU PILLAI (*Tovala*): At the time during which those appointments were effected, was there not a contribution by the municipality to Government in respect of the services?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): If the services of an officer of Government are lent to a municipality that municipality pays pension and leave contribution to Government.

MR. M. SIVATHANU PILLAI (*Tovala*): My question is, at the time these officers were appointed, was there not a pensionary contribution made by the municipality to the Government?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I think so.

MR. M. SIVATHANU PILLAI (*Tovala*) Then is it not the duty of the Government to see that the disbanded hands are provided in other municipalities?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*). Yes, Sir. That is why the Government have asked all the municipalities to report to Government the vacancies that may arise from time to time.

Acquisition of lands at Poovar.

252. *MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): Will the Government be pleased to state whether there is a proposal to acquire some of the lands belonging to the Mahomedans at Poovar in the Neyyattinkara taluk and hand them over to the Latin Christian or other communities and if so, how and when such proposal originated, together with detailed information regarding the same?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Yes. The Government have sanctioned the acquisition of an extent of 3·65 acres of land in the Thirupuram *pakuthi*, Neyyattinkara taluk, for the purpose of putting up houses for the Catholic fishermen of Poovar. The proposal originated on an application received from Fr. I. Gonsalves, Parish Priest of Poovar, on behalf of these men and the sanction was accorded by Government after necessary enquiries.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know whether this land was under the ownership and long occupation of the muslim residents of the place?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Yes. The lands belong to muslims.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know whether there is not any other unoccupied land available for this purpose?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): That is the land selected after inspection by the Registrar of Co-operative Societies, Director of Agriculture and the Division Peishkar.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Are there no *porambokе* lands available in the neighbourhood?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I claim notice.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): May I know whether there was any complaint from the Mahomedans of that area in regard to this matter?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I have no information.

Police Out-post at Kanjiramcolum in the Neyyattinkara taluk.

253. ***MR. N. K. KRISHNA PILLAI** (*Neyyattinkara I*): Will the Government be pleased to state whether they have received representations from the people for the establishment of a police out-post at Kanjiramcolam in the Neyyattinkara taluk, and, if so, what action was taken by Government?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): No.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know whether there was any report from the subordinates of the department stating the necessity for establishing an out-post?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): No, Sir.

Anti-Indian agitation in Ceylon.

254. ***MR. N. K. KRISHNA PILLAI** (*Neyyattinkara I*): Will the Government be pleased to state:

(*a*) whether it is a fact that there is an anti-Indian agitation in Ceylon against the Malayalees in Ceylon; and

(*b*) if the answer to part (*a*) is in the affirmative, whether they have taken any steps to protect and safeguard the interests of the Malayalees there?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) Yes.

(*b*) The Government of India have been addressed through the Agent to the Governor-General with a view to protect the interests of the Malayalee residents in Ceylon.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know when this Government addressed the Government of India?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): On the 7th October 1936.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know whether any reply has been received by this Government, and if so what?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes. The Government of India have asked the Agent in Ceylon to prepare a memorandum for the Immigration Commissioner.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know the nature of the agitation in Ceylon?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): It is reported that the Malayalees are treated badly and that the Singalese want to drive them out of Ceylon. There are a good number of Malayalee labourers, domestic servants, etc. The Singalese do not want them because they are unfair competitors.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the Government are aware of the number of Travancorean residents in Ceylon?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir. It is said that there are about 60 thousand Malayalees in Ceylon. How many Travancoreans there are I cannot say.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): May I know, by whom was the enquiry conducted?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): By the Commissioner appointed by the Ceylon Government.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): Have the Ceylon Government taken any step on that report?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The Government of India have written to say that the interests of all Malayalees will be safeguarded in the memorandum prepared by the Agent in Ceylon.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): Have this Government done anything in the matter?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): We have addressed the Government of India pointing out the necessity to protect the interests of the Malayalees in Ceylon.

MR. M. SIVATHANU PILLAI (*Tovala*): When there is a cry of Travancore for Travancoreans, is it not legitimate that Ceylon also raises a cry for Singalese only in Ceylon?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Goverment*) From the point of view of the Ceylonese it may be legitimate.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know what according to the information of this Government is the basis of the agitation?

RAO BAHADUR RAJASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The Singalese probably want to see that

all Malayalees are driven out of the island to provide employment to the Ceylonese. There is unemployment among the Singalese and the unemployed from them can take the place of the Malayalees if they are sent out of the country.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Was the agitation directed in any other way?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I do not know.

Breach in the road near the Anappad bridge.

255. ***MR. N. K. KRISHNA PILLAI** (*Neyyattinkara I*): Will the Government be pleased to state with reference to the breach in the road near the Anappad bridge in the Ooroottambalam-Malayinkil road (Neyyattinkara):

(*a*) when the breach first occurred;

(*b*) when they sanctioned the estimate for closing up the same;

(*c*) when the work was completed;

(*d*) whether the whole work was undone by the first rains that followed, and if so, how many days after the work was completed was the work washed away; and

(*e*) whether the work was re-started and if not, why not?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) Edavam 1108 M. E.

(*b*) Vrischikam 1111 M. E.

(*c*) Medam 1111 M. E.

(*d*) Owing to very heavy rains, a portion of the work was washed away about a month afterwards.

(*e*) No; pending sanction of estimate awaited from the Executive Engineer.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know whether any cart traffic is possible in the Anappad bridge?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I think, no.

PRESIDENT: Order, order. Question hour having expired, the other questions and answers as usual will be incorporated in the proceedings of the day.

Irrigation canals in the Neyyattinkara taluk.

256. ***MR. N. K. KRISHNA PILLAI** (*Neyyattinkara I*): Will the Government be pleased to lay on the table a statement showing the names of irrigation canals in the Neyyattinkara taluk, together with a statement showing the amount of money spent by the P. W. D. for the maintenance and improvement of each of those for the last three years (1109-1111)?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The member is referred to pages 161 to 171 of the printed statement of irrigation tanks and canals in the State attached to the report of the Minor Irrigation Committee placed on the table of

[Mr. G. B. E. Truscott.]

the Secretary of the Sri Mulam Assembly for reference. As for the amount spent on them for improvement or maintenance for the years 1109, 1110 and 1111, a * statement is laid on the table.

Punishment of Government Officers.

257. ***MR. N. K. KRISHNA PILLAI** (*Neyyattinkara I*): Will the Government be pleased to lay on the table a statement showing:

(*a*) the number of cases in which the punishment meted out to officers was cancelled by the Government and arrears of pay for the period of punishment were ordered to be paid during the two years 1110 and 1111;

(*b*) the names of officers referred to in part (*a*); and

(*c*) the amount of arrears so paid to each?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) There were no such cases in 1110 or 1111 so far as Gazetted Officers were concerned.

(*b*) & (*c*) In view of answer to part (*a*) these do not arise.

Water-supply Schemes for Municipalities.

258. ***MR. A. THANU PILLAI** (*Trivandrum-Rural*): Will the Government be pleased to lay on the table a copy of the agreement, if any, entered into by them with the municipalities of Nagercoil, Alleppey and Shencotta in regard to the water-supply schemes for these municipalities?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): A copy of the agreement signed by the Alleppey and Nagercoil municipalities and to be signed by the Shencotta Municipality in connection with the local water supply scheme is laid on the table of the Assembly Secretary.

Small cause suits on the files of Munsiffs' Courts.

259. ***MR. S. NILAKANTA PILLAI** (*Chirayinkil II*): Will the Government be pleased to lay on the table a statement showing the number of Small Cause suits on the files of the following Munsiffs' Courts on 15-8-1111.

(i) Temporary Munsiff's Court, Vaikam;
(ii) Munsiff's Court, Tiruvalla;
(iii) Principal Munsiff's Court, Attingal:
(iv) Additional Munsiff's Court, Attingal;
(v) Munsiff's Court, Nedumangad; and
(vi) Munsiff's Court, Neyyattinkara?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) The required *statement is laid on the table.

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* *Vide* Appendix V—pages 734 and 735.
**Vide* Appendix VI—page 736.

Application for execution of decrees.

260. *MR. S. NILAKANTA PILLAI (*Chirayinkil II*): Will the Government be pleased to lay on the table a statement showing the number of applications for execution of decrees and the number of civil miscellaneous petitions on the files of the following Munsiffs' Courts on 15-8-1111: --

(i) Temporary Munsiff's Court, Vaikom;
(ii) Munsiff's Court, Tiruvalla;
(iii) Principal Munsiff's Court, Attingal;
(iv) Additional Munsiff's Court, Attingal;
(v) Munsiff's Court, Nedumangad;
(vi) Munsiff's Court, Neyyattinkara?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The *satement required is laid on the table.

School buildings as places of worship.

261. *MR. V. T. CHACKO (*Muvattupuzha I*): Will the Government be pleased to state:

(*a*) how many school buildings in the State are used as places of worship after school hours;

(*b*) to what community or communities do those buildings belong; and

(*c*) whether the recognition of any school has been withdrawn on that account?

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*):

(*a*) About 500.
(*b*) To the Christian community.
(*c*) No.

Water-Supply in the Trivandrum Town.

262. *MR. S. J. NAIR (*Nedumangad*): Will the Government be pleased to state:

(*a*) whether the consumer who applies for pipe connection for water-supply in private houses has to meet any additional expenditure for the work done out-side his compound walls, and if so, the rate for the same;

(*b*) whether fountains are allowed on the roads and bye-lanes where pipes are laid, at convenient places at the requisition of people; and

(*c*) if the answer to part (*b*) is in the negative, the reason for the same?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (*a*) Yes. The entire cost of the outside installations. The rate varies, being dependent on several factors, such as distance of house from main, size of pipes &c.

(*b*) Yes.
(*c*) This does not arise.

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* *Vide* Appendix VII—page 736.

Water-Tax in Trivandrum Town.

263. ***Mr. R. SIVARAMAN NAIR** (*Tiruvalla II*): Will the Government be pleased to state:

(*a*) the amount of contribution received by the Government from the Trivandrum Municipality for the supply of pipe-water in 1111;

(*b*) the amount of money due from the Government to the Municipality as water-tax for Government buildings;

(*c*) whether the contribution was fixed in consultation with the Municipality; and

(*d*) whether the Municipal Council sanctioned the payment of the contribution?

Mr. K. MADHAVA KURUP (*Ag. Secretary to Government*):

(*a*) Rs. one lakh.

(*b*) Government buildings have not yet been assessed by the Municipality to rental values and so the amount of water-tax due on these buildings cannot be ascertained now.

(*c*) Yes.

(*d*) The payment of contribution by the Municipal Council, Trivandrum, was ordered by Government under Section 199(3) of the Municipal Regulation.

Appendix I.

***Vide* Answer to Question No. 219.**

Branch roads in Nedumangad Taluk—Statement showing grant and expenditure from 1105 to 1111 M. E.

No.	Name of roads.	Expenditure.							Grant for 1112.
		1105 Rs.	1106 Rs	1107 Rs.	1108 Rs.	1109 Rs.	1110 Rs.	1111 Rs.	Rs.
1	Vellanad road { 4 3/8 miles unmetalled, 3 miles metalled. ...	1698	1159	986	1335	1262	1471	1240	1188
2	Nedumangad-Shorlacode road { $10\frac{1}{2}$ miles unmetalled, $1\frac{1}{2}$ miles metalled ...	2165	1888	1667	1372	1807	1643	1739	1575
3	Vembayam-Nedumangad road { 2 miles unmetalled, 3 miles metalled ...	1135	1229	675	1213	935	713	862	833
4	8th mile T. S. road to Katchani-Aruvikara road	New road transferred from Water Works Department in 1111.							500
5	14th mile T. S. Road to Venjaramood ...	1051	1410	808	973	978	1217	497	919
6	Valiavankad Estate road. $1\frac{1}{4}$ miles unmetalled ...	...	...	81	75	223	128	213	250
7	Nedumangad Town roads 1 mile unmetalled ...	292	151	124	202	304	195	204	150
8	Aryanad-Pallode road and Vidura branch unmetalled ...	1733	1615	1227	1294	1428	1543	1286	1475
9	Vellanad-Aryanad road and branch $3\frac{1}{2}$ miles do. ..	476	308	174	458	387	300	371	350
10	Kottoor road $11\frac{1}{2}$ to $18\frac{1}{4}$—$6\frac{3}{4}$ miles unmetalled ...	1047	1272	990	1596	1478	1217	798	1350
11	9th mile T. S. road to Aruvikara $2\frac{1}{2}$ miles do. ...	350	132	189	212	338	257	289	312
12	Kazhanad road 4 1/2 miles unmetalled ...	278	256	239	376	373	447	266	212

Appendix I—(*contd.*)

No.	Name of roads.	Expenditure.							Grant for 1112.
		1105 Rs.	1106 Rs.	1107 Rs.	1108 Rs.	1109 Rs.	1110 Rs.	1111 Rs.	Rs.
13	2nd mile Aruvikara to 3rd mile Katchani road—3/4 miles unmetalled. ...	9	80	26	23	18	12	38	94
14	Katchani-Aruvikara road 3½ do. ...	354	299	346	306	259	195	427	437
15	Silk Farm road 7/8 mile ..	82	65	22	41	84	72	66	100
16	Vamanapuram-Chittar road 1 to 6 mile ...	13	143	123	171	1393	1277	1292	1800. Was borne only under village roads till end of 1108 Rs. 25 per mile. From 1109 under metalled roads.
17	Nedumangad-Aruvikara road—2¾ miles village road...	119	110	94	97	100	92	64	110
18	Aruvikara-Vellanad road—2¾ miles village road ...	83	110	92	86	73	100	42	110
19	(West Sub-Division) Perappancode-Pothencode road 3¾ miles village road ...	94	71	78	85	70	90	21	94
20	Venjaramood to Attingal road 1 mile (unmetalled) ...	175	236	114	248	240	224	176	200
21	Vembayam-Pallipuram road (unmetalled) ...	489	681	341	489	612	536	552	400
22	Trace from Perappancode to Vembayam 12th mile M. C. Road (Trace). ...	...	43	39	28	45	44	...	45

N. B. The maintenance grant for each of the years from 1105 to 1111 is the same as for 1112 except for item 16 *vide* remark against it.

Appendix II.

***Vide* Answer to Question No. 223.**

Statement showing the number of wells sunk at Government cost in the coastal *pakuthies* of **Neyyattinkara** taluk during the years 1108 to 1111 and the amount allotted for each.

Serial No.	Name of well etc.	Amount allotted during the years.				Remarks.
		1108	1109	1110	1111	
		Rs.	Rs.	Rs.	Rs.	
1	Sinking tube wells 80 to 100 feet in the fishing villages of Southern Travancore	...	130	180	..	One well in Poovar east end do. do. west end do. do. in Pulluvila do. do. in Chovara. These have been completed.
2	Sinking two tube wells in Chinnamarthandanthura in Neyyattinkara taluk	420	...	...	...	These two wells have since been converted into draw wells (*vide*) items 5 and 6 below.
3	Do. wells in the fishing villages of South Travancore—Well at Kottapuram in Vizhinjam	...	...	50	680	In progress.
4	Do. well at Karimkulam for the fishing villages, well in S. No. 186/10	...	...	40	350	do.
5	Converting the tube well at Chinnamarthandanthurai in S. No. 194/2. B of Karimkulam *pakuthi*, Neyyattinkara taluk into a draw well.	...	...	..	525	do.
6	Do. Do. in S. No. 198/2 Do. Do.	...	...	...	525	do.

Appendix III.

(Vide **Answer to Question No. 244).**

Statement by caste of Police Inspectors, Excise Inspectors and Sub-Registrars.

Classification of communities.	Police Inspectors.	Excise Inspectors	Sub-Registrars.
A. HINDUS.			
(1) Brahmins	13	9	9
(2) Nairs	21	24	24
(3) Other caste Hindus	8	4	8
(4) Kammalas	Nil	Nil	Nil
(5) Nadars	1	Do.	Do.
(6) Ezhavas	9	5	4
(7) Cheramar (Pulayas)	Nil	Nil	Nil
(8) Hindus	Do.	Do.	1
B MUSLIMS.	6	2	2
C. CHRISTIANS.			
(1) Jacobites	4	1	11
(2) Marthomites	3	1	7
(3) Syrian Catholics	3	3	3
4 Latin Catholics	5	2	1
5 uth Indian United Church	Nil	1	2
(6) Other Christians	6	4	4

Appendix IV.

***Vide* Answer to Question No. 249.**

Statement showing graduate teachers in permanent vacancies with the dates from which the vacancies have become permanent.

Serial No.	Name.	Date from which acting in a permanent vacancy.	Date of commencement of the permanent vacancy.
1	Mr. P. V. Abraham ...	1-10-1110	1-10-1110
2	,, P. Joseph ...	8-8-1110	19-3-1109
3	,, M. K. Raman Pillai ...	8-8-1111	15-4-1111
4	,, John M. John ...	1-1-1110	19-3-1109
5	,, S. Moses ...	do.	do.
6	,, C. Cheriyan ...	8-8-1111	2-5-1111
7	,, V. Ninan ...	1-1-1111	1-1-1111
8	,, K. M. Koshi ...	16-11-1110	16-11-1110
9	,, M. K. Abraham ...	8-8-1111	19-5-1111
10	,, P. N. Madhavan Pillai...	1-1-1111	1-1-1111
11	,, K. G. Rama Panickar ...	do.	do.
12	,, K. Narayana Kurup ...	do.	do.
13	,, A. Chockalingom ...	9-10-1110	1-10-1110
14	,, S. Velayudhan Pillai ...	1-10-1110	do.

Appendix V.

Vide Answer to Question No. 256.

Statement showing the expenditure on improvements and maintenance of *todus* (canals in Neyyattinkara Taluk—Works or Restoration.

Item No.	Name of work.	Expenditure in			Total.
		1109	1110	1111	
		Rs.	Rs.	Rs.	Rs.
1	Improvements to Vilavarakal *todu* in Vilappil *pakuthi*, Neyyattinkara taluk ...	17	267	...	284
2	Closing breaches in Perumkadavila *todu*, Perumkadavila *pakuthi* ...	26	—25	2	3
3	Rain damages of 10/08—closing breaches in Maruthoor *todu* ...	1,417	209	—23	1,603
4	Do. of 1108 and 1109 in Perumkadavila *todu*, Perumkadavila *pakuthi* ...	177	...	82	259
5	Do. of 10/08—Closing breaches in Kalathoor *todu* ...	17	236	...	253
6	Do. Do. Constructing a surplus at site of breach No. I in Perumkadavila *todu* ...	...	372	...	372
7	Closing breaches in Vembakal *todu* in Athiyannur *pakuthi* ...	...	433	1	439
8	Closing breaches and restoring Perumpazhuthoor *todu* ...	...	187	...	187
9	Rain damages of 10/01—closing breaches in Perumpazhuthoor *todu*—constructing spill-ways ...	...	1,793	159	1,952
10	Improvements to Manikal *todu* ...	54	23	...	77
11	Rain damages of 1/08 in Neyyattinkara taluk 1. Kottukal channel ...	34	...	...	34

Appendix V—(*contd.*)

Statement showing the expenditure on improvements and maintenance of *todus* (canals) in Neyyattinkara Taluk—Works or Restoration.

Item No.	Name of work.	Expenditure in 1109	Expenditure in 1110	Expenditure in 1111	Total.
		Rs.	Rs.	Rs.	Rs.
	2. Maruthoor *todu* ...	296	178	...	474
	& 3. Mudavapara *todu* ...	52	...	83	135
12	Rain damages in Kizhambhagom *yelah* and culvert and Vandiyoor *chira* kal in Chengal *pakuthi* ...	...	...	372	372
13	Rain damages of 11/08 in Mudavapara *todu* ...	...	...	1,432	1,432
14	Repairs to rain damages of 1108—closing breaches in Kulathoor *todu* below Venkulam ...	...	...	264	264
15	Rain damages of 3/10—Closing breaches in Kulathoor *todu* below Ayirayil tank ...	..	...	265	265
16	Rain damages of 10/11—Closing breaches on the right side of Mudavapara *todu* in S. Nos. 275/29 and 32 ...	...	...	365	365
	Maintenance.				
1	Maruthoor *todu* ...	185	199	136	520
2	Kulathoor *todu* ...	112	132	116	360
3	Kottukal channel ...	305	93	343	741
4	Mudavapara *todu* ...	282	303	320	905
5	Vellayani sluice ...	92	69	90	251
6	Korandikara sluice ...	9	12	47	68
7	Thozhukal sluice ...	27	23	22	82

Appendix VI.

***Vide* Answer to Question No 259.**

Statement showing the number of Small Cause Suits on the file of the following Munsiffs' Courts on 15-8-1111:

No.	Name of Court.	No. on the file on 15-8-1111.
1	Temporary Munsiff's Court, Vaikam ...	...
2	Munsiff's Court, Tiruvalla ...	345
3	Principal Munsiff's Court, Attingal ...	56
4	Additional Munsiff's Court, Attingal ...	96
5	Munsiff's Court, Nedumangad ...	110
6	Munsiff's Court, Neyyattinkara ...	207

Appendix VII.

***Vide* Answer to Question No. 260.**

Statement showing the number of applications for execution of decrees and the number of Civil Miscellaneous Petitions on the files of the following Munsiffs' Courts on 15-8-1111:—

No.	Name of Court.	Applications for execution of decrees.	Civil Miscellaneous petitions.
1	Temporary Munsiff's Court, Vaikam ...	414	44
2	Munsiff's Court, Tiruvalla ...	1,281	277
3	Principal Munsiff's Court, Attingal ...	474	45
4	Additional Munsiff's Court, Attingal ...	421	157
5	Munsiff's Court, Nedumangad ...	304	40
6	Munsiff's Court, Neyyattinkara ...	973	245

LEGISLATIVE BUSINESS.

THE TRAVANCORE KAMMALA BILL—(*concld.*)

MR. P. C. KURIYAN (*Kottayam I*): Sir, yesterday I began with saying that I was a little nervous in taking one view or the other in the matter as I was given to understand that there were two views taken by the two sections of the community one represented by Mr. Nilakantan and the other by Mr. Velu Achari. But having solved the principle of the Bill I think both are agreed that there is a distinction and that the Kammalas in Travancore have no definite uniform law for themselves and both are agreed as to the necessity for a legislation. (*At this stage the Deputy President took the Chair*). The chief argument of Mr. Velu Achari is that there is no distinction between the Malayalam speaking and the Tamil speaking Kammalas. Both of them are agreed that there are small sections in the community following different customs. So, on that question both are agreed that there is real need for a legislation. I think the Bill now brought forward by the mover will meet with the grievances of the community and redress them. I hope necessary changes will be made in the Select Committee.

MR. M. SIVATANU PILLAI (*Tovala*): I think there is a misunderstanding on the part of the honourable members of the House in respect of the sc pe of the Bill. I do say that I support the Bill in so far as it has got a restricted scope in that it is made applicable only to Malayalam speaking Kammalas. In this connection I wish to emphasise this point. The Bill refers to the Malayalam speaking Kammalas and it is rightly so. The mover himself says in the Statement of Objects and Reasons of the Bill that in case the Tamil speaking Kammalas who are desirous of coming under the provisions of the Bill the choice must be given to them. That itself will show that the mover is quite clear about the scope of the Bill and that he does not include them (namely the so called Tamil speaking Kammalas). My friend Mr. Velu Achari who has been co-opted for this Bill, apart from his personal reference in respect of the honourable member the mover which this House should unhesitatingly condemn, took very strong objection to the limited scope of the Bill because it does not cover the so-called Tamil speaking Kammalas as well. I do not know and I have yet to learn whether there is such a community as Tamil speaking Kammalas as opposed to Malayalam speaking Kammalas. I do not find that there is any community as the Malayalam speaking Kammala community or the Tamil speaking Kammala community; but I have heard of Malayala Kammalas and Tamil Kammalas. Not only there is among them difference in the language; but also they belong to different and distinct section, so much so each exists as one community. There are two communities of Kammalas as the Nanjanad Vellala and the Syva Vellala of the Vellala community. All the same it is the Vellala community having two sections with different customs, different laws of inheritance and different laws relating to marriage. It has been suggested by a member of this House that it is like the Malayala Brahmins and the Tamil

[Mr. M. Sivatanu Pillai].

Brahmins. But I ask whether there is not a difference in the matter of their marriage, inheritance and customs? And have we not enacted legislation recently for Malayala Brahmins alone? So also, I ask the House to bear in mind, that there is a distinct feature about the so-called Tamil Kammalas. I claim to know about the Tamil Kammalas better. It is known to the members of the House that I come from a part of the country where the Tamil Kammalas live in large numbers. I may say that the Tamil Kammalas do not wish them (even) to be called Kammalas They claim to be called Viswakarma. They do not even hesitate to call themselves Viswakarma Brahmins. Recently in an order of the Madras Government it is stated and accepted that there is difference between the Andra Kammalas and the Tamil Kammalas in British India and these are also distinguished from Malayala Kammalas of Malabar. The Census Reports also say that there are Malayala and Tamil Kammalas. So the distinction has been recognised not only in Travancore but also by the Madras Government. What I wish to emphasise in this connection is, that if this Tamil community wishes to claim to be called Viswakarmas as a distinct community there is ample justification for it. My friend Mr. G. Nilakantan referred to the fact that there is no proper valid marriage for Malayalam speaking Kammalas, that a Malayalam speaking Kammala woman can have more than one husband and that they can dissolve their marriages at will. In other words polygamy and polyandry are quite common. But as a matter of fact ordinarily among the Tamil Kammalas, who are called Viswakarmas in South Travancore, there is not even widow remarriage. They are governed by Hindu Law. Their manners and customs are entirely different from the Malayala Kammala so much so that there is no wonder that they want to be distinctly differentiated from the Malayalam speaking Kammalas.

MR. P. C. KURIYAN (*Kottayam I*): Is it the member's view that the manners and customs of the Malayalam speaking Kammalas are the same throughout the country?

MR. M. SIVATANU PILLAI (*Tovala*): I think so.

This Bill, as the mover intends it to be, should be restricted in its application only to Malayalam speaking Kammalas and not to the so-called Tamil speaking Kammalas or as we call them, Viswakarmas.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Are there Malayalam speaking Kammalas in South Travancore?

MR. M. SIVATANU PILLAI (*Tovala*): Oh yes, who have migrated from North Travancore and Malabar.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Do they speak Tamil?

MR. M. SIVATANU PILLAI (*Tovala*): They can speak broken Tamil as they do not want to speak in Malayalam among Tamilians.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether there is intermarriage in South Travancore between the Malayalam speaking Kammalas and the Tamil speaking Kammalas?

MR. M. SIVATANU PILLAI (*Tovala*) There is absolutely no marriage between the Malayalam speaking Kammalas and the so-called Tamil speaking Kammalas.

DEPUTY PRESIDENT: Mr. Velu Achari wants to put a question.

MR. N. VELU ACHARI (*Co-opted*): ഇന്നലെ നടന്ന ലാ മെമ്പറുടെ പ്രസംഗത്തിൽ നിന്നും എനിക്കചില സംശയങ്ങൾ ഉണ്ടായിട്ടുണ്ട്. ആ സംശയം തീക്കേണ്ടിയിരിക്കുന്നു.

DEPUTY PRESIDENT: മെമ്പർക്ക് ഏതെങ്കിലും ചോദിക്കാനുണ്ടെങ്കിൽ അതു ചോദ്യരൂപത്തിൽ മാത്രമെ പാടുള്ളു.

MR. N. VELU ACHARI (*Co-opted*): ക്ഷേത്രങ്ങളും വിഗ്രഹങ്ങളും പണിചെയ്തുവരുന്നതു് മലയാളം സംസാരിക്കുന്ന ആശാരിമാരോ അതല്ല തമിഴ് സംസാരിക്കുന്ന ആശാരിമാരോ എന്നറിഞ്ഞാൽ കൊള്ളാം.

MR. M. SIVATANU PILLAI (*Tovala*) As a matter of fact I do recognise the force of the question. The Viswakarmas have built temples. I can easily discover in such places where temples have a different fashion that it might have been built by the Malayalam speaking Kammalas. And this is also a strong point to support my position. Among these two communities even the taste and architecture also differ.

MR. N. VELU ACHARI (*Co-opted*): എന്റെ ചോദ്യത്തിന് മലയാളത്തിൽ ഉത്തരം പറഞ്ഞാൽ കൊള്ളാം.

MR. M. SIVATANU PILLAI (*Tovala*): What I wish to emphasise is that they could be distinguished even by their professional attainments. In my place Nadars belonging to Hindu and Nair sections, have also taken to all the professional work as are followed by these Kammalas namely carpentry, smithery, goldsmith etc. By virtue of this fact could they be called Kammalas? Profession in life may be the same but they are different communities.

MR. N. VELU ACHARI (*Co-opted*): എന്റെ ചോദ്യത്തിനു മലയാളത്തിൽ ഉത്തരം പറയണമെന്നു് ഒന്നുകൂടി അപേക്ഷിക്കുന്നു.

DEPUTY PRESIDENT: മററു മെമ്പറന്മാർ ആവശ്യപ്പെടുന്നതുപോലെയുള്ള ഭാഷയിൽ ഇവിടെ സംസാരിക്കണമെന്നു നിയമമില്ല.

The honourable member seems to be under a misapprehension. Here nobody can speak on the suggestion of another member. Mr. Sivatanu Pillai may continue

MR. M. SIVATANU PILLAI (*Tovala*): If my friend wants an answer I shall give it in the vernacular I am familiar with.

DEPUTY PRESIDENT: Questions may be answered in Malayalam.

MR. M. SIVATANU PILLAI (*Tovala*): Let me make an attempt Sir, to speak in Malayalam.

[Mr. M. Sivatanu Pillai].

ദ്രാവിഡക്ഷേത്രങ്ങൾ പണി ചെയ്യുന്നതു് വിശ്വകർമ്മാ ബ്രാഹ്മണസമുദായം എന്നു പറയുന്ന സമുദായക്കാരാണ്.

MR. N. VELU ACHARI (*Co-opted*) : അവരിൽ മലയാളവും തമിഴും സംസാരിക്കുന്നവർ ഇല്ലേ?

MR. M. SIVATANU PILLAI (*Tovala*) : അവർക്കു മലയാളം അറിഞ്ഞുകൂടാ, പക്ഷെ ചിലർ സംസാരിക്കും.

MR. N. VELU ACHARI (*Co-opted*) : ക്ഷേത്രങ്ങളിലുള്ള വിഗ്രഹങ്ങൾ പണി ചെയ്യുന്നതു് ആരാണു്?

MR. M. SIVATANU PILLAI (*Tovala*) : അതും വിശ്വകർമ്മസമുദായത്തിൽപെട്ട ആശാരിമാരാണ്.

MR. N. VELU ACHARI (*Co-opted*) : അവർ സംസാരിക്കുന്നതു മലയാളമൊ തമിഴൊ?

MR. M. SIVATANU PILLAI (*Tovala*) : അവർക്കു മലയാളം അറിഞ്ഞുകൂട. തമിഴാണു് സംസാരിക്കുന്നതു്.

MR. N. VELU ACHARI (*Co-opted*) വിഗ്രഹങ്ങളും ക്ഷേത്രങ്ങളും പണി ചെയ്യുന്ന എന്നു മെമ്പർ പറയുന്ന ആശാരിമാർ വിഗ്രഹം പണി ചെയ്യുമ്പോൾ ബ്രഹ്മസ്വം ധരിക്കുന്ന പതിവുണ്ടോ?

MR. M. SIVATANU PILLAI (*Tovala*) : വിഗ്രഹം പണി ചെയ്യുമ്പോഴെന്നുമാത്രമല്ല എപ്പോഴും അവർ ബ്രഹ്മസ്വം ധരിക്കുന്നുണ്ടു്.

MR. N VELU ACHARI (*Co-opted*): തിരുവിതാംകൂറിലുള്ള ഭൂരിപക്ഷം ആശാരിമാരും ഈ തരത്തിലുള്ളവരാണെന്നറിയാമൊ?

MR. M. SIVATANU PILLAI (*Tovala*) : അല്ലെന്നാണു് എന്റെ വിശ്വാസം. വിശ്വകർമ്മബ്രാഹ്മണസമുദായം മലയാളം സംസാരിക്കുന്നില്ല.

MR. N. VELU ACHARI (*Co-opted*): ക്ഷേത്രങ്ങളിലുള്ള ഗ്രന്ഥവരികൾ കൊണ്ടും മഹാരാജാവു തിരുമനസ്സുകൊണ്ടു് കൊടുക്കുന്ന നീട്ടുകൊണ്ടും വിഗ്രഹങ്ങളും ക്ഷേത്രങ്ങളും പണി ചെയ്യുന്നതു് ഈ നാട്ടിലെ കമ്മാളരാണെന്നു് കാണുന്ന സ്ഥിതിക്കു് അതിനെ മെമ്പർ സമ്മതിക്കുമോ?

DEPUTY PRESIDENT : That question is out of order.

MR. P. C. KURIYAN (*Kottayam I*) : May I know what conception is followed by these Kammalas in constructing temples?

MR. M. SIVATANU PILLAI (*Tovala*) : They follow Dravidian architecture. Even now Dravidian temples are constructed by these Viswakarma Brahmins.

MR. P. C. KURIYAN (*Kottayam I*) : May I know.........

DEPUTY PRESIDENT: I hear some voice but I am unable to distinguish the words.

MR. P. C. KURIYAN (*Kottayam I*): May I know which temple is constructed by these Viswakarma Brahmins?

MR. M. SIVATANU PILLAI (*Tovala*): If my honourable friend will take a trip to South Travancore he will be able to find the difference between the architecture of the temples in North Travancore and in South Travancore.

MR. N. VELU ACHARI (*Co-opted*): ഞാൻ വിശ്വകർമ്മസമുദായത്തിന്റെ അഭിവൃദ്ധിക്കുവേണ്ടി പലവിധത്തിലുള്ള പ്രചാരണവേലകളും നടത്തിവരുന്നു എന്നു മെമ്പർക്കറിയാമോ?

DEPUTY PRESIDENT: The question is irrelevant.

MR. M. SIVATANU PILLAI (*Tovala*): Sir, I am second to none to contribute my humble tribute to the honourable co-opted member for his public work.

DEPUTY PRESIDENT: I wish the honourable member will bear in mind that I have not allowed the question. You can proceed with your arguments.

MR. N. VELU ACHARI (*Co-opted*): ഇവിടെ പല ഭാഗങ്ങളിലും പോയി വേണ്ട വിവരങ്ങളും ഗ്രഹിച്ചിട്ടുണ്ട് എന്നു പറയുന്നു. എന്നാൽ ഞാൻ സമുദായത്തിന്റെ അഭിവൃദ്ധിക്കുവേണ്ടി വേല ചെയ്യുന്ന ആളാണെന്നറിയാമോ?

DEPUTY PRESIDENT: Order. Order. There must be a limit to the considerations which a Chair may show even to a new member. I thought at first, that Mr. Velu Achari was giving a personal explanation and he had the right to do so. Now, I find that he transgresses those limits. If Mr. Achari wants to say anything it may be done in the proper manner. If Mr. Achari wants to put a question he may do so. Mr. Sivatanu Pillai, please continue.

MR. M. SIVATANU PILLAI (*Tovala*): Sir, I was referring to the simple aspect of the question which the House would consider. From the similarity of profession which is followed by the two sections of the community it should not be presumed that in all other things they are alike. There may be "Acharies," "Thattans," "Kollans" etc., (in more than one community.) The mover of the Bill himself has referred to the fact that there is the presence of this (Tamil) section of the community. In South Travancore, "Acharies" "Thattans" and "Kollans" are to be found even among the Nadars. So does it necessarily follow that because the Tamil speaking Kammalas and the Malayalam speaking Kammalas follow one and the same profession they must be treated as one community for the purpose of this Bill?

MR. N. VELU ACHARI (*Co-opted*): മതാക്ഷരമോ നിയമമാണോ?

MR. M. SIVATANU PILLAI (*Tovala*): അതെ.

MR. N. VELU ACHARI (*Co-opted*): ആ നിയമം അനുസരിച്ച് എത്ര ജാതിക്കാർ അതിൽ ഉൾപ്പെടുന്നുണ്ട്?

MR. M SIVATANU PILLAI (*Tovala*): ധാരാളംപേർ ഉൾപ്പെടുന്നുണ്ട്. അതിൽ മക്കവഴി വെള്ളാളർ, വിശ്വകർമ്മബ്രാഹ്മണർ എന്നിങ്ങനെ ധാരാളം സമുദായങ്ങളും ഉണ്ട്.

MR. N. VELU ACHARI (*Co-opted*): വെള്ളാള ബിൽ ഒരു നിയമമാണോ?

MR. M. SIVATANU PILLAI (*Tovala*): എന്നാണ് ഞാൻ വിചാരിക്കുന്നത്.

MR. N. VELU ACHARI (*Co-opted*): അതിൽ പല വർഗ്ഗക്കാരും ചേർന്നിട്ടില്ലേ?

MR. M. SIVATANU PILLAI (*Tovala*): വർഗ്ഗം ഒന്നേയുള്ളൂ, ആളുകൾ ധാരാളം ഉണ്ട്.

MR. N. VELU ACHARI (*Co-opted*): മിതാക്ഷരലാ പ്രകാരം എങ്ങിനെ ധാരാളം ജാതിക്കാർ ഉൾപ്പെട്ടിരിക്കുന്നുവോ അതുപോലെ ഈ കമ്മാളബിൽ അനുസരിച്ചും പലരും ഉൾപ്പെട്ടിരിക്കാൻ പാടില്ലേ?

DEPUTY PRESIDENT: The member cannot make a speech. I have been giving a very great latitude to the member. But the member cannot make a speech now. I have warned the member several times. If there is any relevant question to be asked the member can very well ask it. But the law must be obeyed.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, to make the member understand, the ruling may be given in Malayalam.

DEPUTY PRESIDENT: The advice is very generous but the Chair does not propose to do that now, especially because the member is understood to know English though he does not talk English.

MR. M. SIVATANU PILLAI (*Tovala*): Sir, a confusion of issues has arisen in the course of the debate with reference to the difference between the Tamil Kammalas and the Malayala Kammalas. If I remember aright, in the course of the speech of Mr. Velu Achari a question was put to him asking whether he would be satisfied if it includes the Tamil speaking Kammalas also in the scope of the Bill and he answered that he would then have no objection to the Bill. Naturally the debate continued on the assumption that the difference between the Tamil speaking and the Malayalam speaking Kammalas is not fundamental. But the fact is otherwise. Assuming that there is practically no difference between them even then the mover does not want the Tamil speaking Kammalas to be brought within the scope of the Bill. In the face of this unmistaken object of the mover, to include the Tamil Kammalas now is not warrented in law or procedure.

MR. N. VELU ACHARI (*Co-opted*) : വെള്ളാളബില്ലിനെപ്പററി അറിയാമൊ?

MR. M. SIVATANU PILLAI (*Tovala*): അറിയാം, എന്നാൽ അതു നാഞ്ചിനാട്ടു വെള്ളാളക്കു മാത്രമാണ്. മററു വെള്ളാളക്കു പ്രത്യേകം ബില്ല് ഇല്ല. അവരുടെ ആചാരം, ദായക്രമം, വിവാഹം എന്നിതുകൾക്കു യാതൊരു വ്യത്യാസവുമില്ലാതെ മിതാക്ഷരചട്ടം ബാധിക്കുന്നതാണു.

MR. N. VELU ACHARI (*Co-opted*) അവരുടെ സ്ത്രീകൾ നായർ സ്ത്രീകൾ ധരിക്കുന്നതുപോലുള്ള ഉടുപ്പുകളാണ് ധരിക്കുന്നതെന്നറിയാമൊ?

MR. M. SIVATANU PILLAI (*Tovala*) : സ്ത്രീകൾ സാധാരണയായി ഉടുപ്പുകൾ ധരിക്കുന്ന പതിവില്ല.

MR. N. VELU ACHARI (*Co-opted*) ; ഉത്തരതിരുവിതാംകൂറിലുള്ള നായർ സ്ത്രീകളുടെ വസ്ത്രധാരണരീതിയിലല്ലേ ഇവരും വസ്ത്രധാരണം ചെയ്യുന്നതു്?

MR. M. SIVATANU PILLAI (*Tovala*) : തമിഴിനും മലയാളത്തിനും തമ്മിൽ എല്ലാത്തിനും വ്യത്യാസമിരിക്കുന്നതുപോലെ തമിഴ്ഭാഷ സംസാരിക്കുന്നവർ നിറമുള്ള ചേല ഉടുത്തുവരുന്നു. മലയാളം സംസാരിക്കുന്നവർ വെളുത്തവസ്ത്രം ധരിക്കുന്നു.

MR. N. VELU ACHARI (*Co-opted*) : തമിഴ് നാട്ടിനു അടുത്തു താമസിക്കുന്ന ആളുകൾ നിറമുള്ള വസ്ത്രങ്ങളും ഉത്തരതിരുവിതാംകൂറിൽ താമസിക്കുന്നവർ വെളുത്ത വസ്ത്രങ്ങളും ധരിക്കുന്നു എന്നുള്ളതുകൊണ്ടു് രണ്ടുപേക്കും ഒരു ബില്ലിൻെറ പരിധിയിൽ ഉൾപ്പെട്ടുകൂടാ എന്നുണ്ടോ?

MR. M. SIVATANU PILLAI (*Tovala*) : ഉൾപ്പെട്ടുകൂടാ എന്നില്ല. എന്നാൽദായക്രമത്തിലും വിവാഹരീതിയിലും മററും പല വ്യത്യാസങ്ങളും ഉണ്ടെന്നേ ഞാൻ പറയുന്നുള്ളു. അതുകൊണ്ടു പ്രത്യേകം വൎഗ്ഗമാണെന്നു തെളിയുന്നുണ്ടു്.

MR. N. VELU ACHARI (*Co-opted*) : ഈ ബിൽ അവതാരകൻതന്നെ അദ്ദേഹത്തിൻെറ മകളെതമിഴ് സംസാരിക്കുന്ന ഒരു ആശാരിക്കു് കല്യാണം കഴിച്ചു കൊടുത്തതായി അറിയാമൊ?

MR. M. SIVATANU PILLAI (*Tovala*) : അതിൻെറ ഫലം എൻെറ വാദമുഖത്തെ ബലപ്പെടുത്തുന്നു. ആ കാരണം അടിസ്ഥാനപ്പെടുത്തിയാണു അങ്ങനെ പാടില്ല എന്നു ഞാൻ പറയുന്നതു്. അങ്ങിനെ ഒരു കല്യാണം കഴിഞ്ഞു എന്നല്ലാതെ അതു ശരിയാകാത്തതു തമ്മിൽ വളരെ വ്യത്യാസമുള്ള മലയാളത്തിനേയും തമിഴിനേയും ഘടിപ്പിക്കാൻ യത്നിച്ചതുകൊണ്ടാണ്.

DEPUTY PRESIDENT : I suppose that you have done with your speech.

MR. VELU ACHARI (*Co-opted*) : മിതാക്ഷര ലായിൽ അങ്ങിനെയുള്ള ഭേദങ്ങളും ഉണ്ടോ?

MR. M. SIVATANU PILLAI (*Tovala*) : ധാരാളം ഉണ്ട്.

DEPUTY PRESIDENT : I now say that Mr. Sivatanu Pillai may continue his speech. No more questions can be allowed.

MR. M. SIVATANU PILLAI (*Tovala*) : Sir, apart from the fact that these two sections with difference in language, which I concede do form part of Kammalas, I do maintain that there are distinguishing features and difference between the Tamil speaking and Malayalam speaking Kammalas in respect of marriage, law of inheritance, manners and customs. So, what I say is that a separate Bill has to be provided for the Malayalam speaking Kammalas who do require legislation in these matters, as there is no settled law or custom having the force of law.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Is there any intermarriage among the Tamil speaking and the Malayalam speaking Kammalas?

MR. M. SIVATANU PILLAI (*Tovala*) : So far as I know, there is no such intermarriage at all.

Certain intermarriages might take place. But there is the difference in custom, manners and system of law followed by the husband and wife. That is why immediately the marriage is over they get themselves disgusted with each other and separation is effected. That is as a result of the conflict of custom, culture and law.

DEPUTY PRESIDENT : Is the honourable member in support of the Bill as it stands ?

MR. M. SIVATANU PILLAI (*Tovala*) : I am in support of the Bill ....

MR. A. ACHYUTHAN (*Kartikapalli I*) : Is there any interdining between the Viswakarma Brahmins and the Malayala Kammalas?

MR. M. SIVATANU PILLAI (*Tovala*) : The Viswakarma Kammalas do not even dine with the Vellalas. They consider themselves higher than the Vellalas and they think that they almost approach the Brahmin community.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*) : May I know whether intermarriages and interdining are necessary between two sections of the community so that the law may be applied to both the classes ?

MR. M. SIVATANU PILLAI (*Tovala*) : My friend misunderstands things. What I was stating is that there are certain provisions in the Bill which contemplate peculiar and loose practice followed among Malayala Kammalas which is not at all found in the particular section of the Tamil community following strict Hindu law. For example, in the Bill here it is provided that a widow can be remarried and divorce

should be freely allowed. In the case of Tamil Kammalas they resent widow remarriage as they are followers of Hindu law, and they will not countenance free divorce. These things are to be attained by social reform. In short, there is settled law for Tamil Kammalas, namely Hindu Mithakshara Law, whereas the Malayala Kammalas, have no law and hence they do want legislation.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*) : May I know from the member whether there is a Brahmin Law which applies to Nambootiris, Moothathus and Elayathus alike ?

MR. M. SIVATANU PILLAI (*Tovala*) : There is difference between the Malayala Brahmins and the Tamil Brahmins. They have got separate systems of inheritance and separate laws governing them.

DEPUTY PRESIDENT : I think Mr. Sivatanu Pillai has expressed himself in favour of the Bill. The member has expressed himself in favour of the principles of the Bill. Let us proceed.

MR. P. C. KURIYAN (*Kottayam I*) : Does the member conceive that of the two classes one is a Kammala and the other is not a Kammala?

MR. G. NILAKANTAN (*Nominated*) : Two years before, they were both known as Kammalas.

MR. M. SIVATANU PILLAI (*Tovala*) : I do not know how they were known. I have travelled all over British India and so far as I know, they go under the name of the Viswakarma community. Now they have gone a step further and call themselves the Viswakarma Brahmins. Why should we pull them down now so that they may be also brought along with the Malayalam speaking Kammalas?

MR. K. R. ELENKATH (*Kalkulam I*) : May I know whether it is their desire that they should also be included in this Bill ?

MR. M. SIVATANU PILLAI (*Tovala*) : They will never certainly be a party to be included.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*) : I have referred at the outset to the order of the Madras Government that these people are classified under separate communities.

MR. N. VELU ACHARI (*Co-opted*) ; മലയാളവും തമിഴും സംസാരിക്കുന്നവർക്കു തമ്മിൽ വല്ല വ്യത്യാസവുമുണ്ടോ എന്ന് മദ്രാസ് കൗൺസിലിൽ ചോദ്യം ചോദിച്ചതിൽ ഇല്ലെന്നു മറുപടി പറഞ്ഞതായി അറിയാമോ?

MR. M. SIVATANU PILLAI (*Tovala*) : രണ്ടു കൂട്ടരെയും ഒരുമിച്ചു ചേർത്തുകൂടാ എന്നു ഞാൻ പറയുന്നില്ല. എന്നാൽ അവരുടെ അഭിപ്രായം കൂടി അറിഞ്ഞതിനുശേഷം വേണം അങ്ങിനെ ചെയ്യേണ്ടതു്.

MR. N. VELU ACHARI (*Co-opted*) : രണ്ടു കൂട്ടരേയും ഒരു ബില്ലിന്റെ പരിധിയിൽ ഉൾപ്പെടുത്തി ഇന്റർ മാര്യേജും ഇന്റർ ഡൈനിംഗും നടത്തണമെന്നാണോ മെമ്പർ അഭിപ്രായപ്പെടുന്നതു ?

DEPUTY PRESIDENT: Now we must come to the close of this.

MR. M. SIVATANU PILLAI (*Tovala*): I may say that I am one of those who desire that all communities should come together under one section, under one system of life. I will be the last person to put in a wedge between the so-called two communities. The Tamil speaking Kammalas are a distinct entity. The House may not consider the question of enacting legislation as applying to both the communities. That is all my point.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): I oppose the principle of this Bill. Sir, the Kammala community consists mainly of two classes, namely, the Pandi Kammalas and the Malayala Kammalas. Though the Pandi Kammalas own Brahminical Gothras, and resemble the Brahmins in their marriage rites, as far as my information goes, they interdine and inter-marry with the Malayala Kammala. Sir, there is remarkable similarity in the social features of these classes; they are one and the same community. Looking at the Preamble of the Bill, and the definition of the term Kammala, you may find that the Pandi Kammalas are excluded from the operation of this Bill. Sir, in that respect, the Bill is narrow in its scope and goes against the present tendency of human society. Sir, the Bill instead of trying to weld together the two sections of the community, tends to make a cleavage. This is the mischievous aspect of the Bill and it is calculated to perpetuate dismemberment of the community.

DEPUTY PRESIDENT: The members voice is not sufficiently audible Please make it a little more louder.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): Sir, the Bill seeks to effect a cleavage in the community and thereby tries to perpetuate dismemberment of the community.

MR. P. C. KURIYAN (*Kottayam I*): Is it possible to bring the two sections under the Bill?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): It is possible and that is my point. Some of my friends who spoke yesterday supported the principle of this Bill on the condition that Pandi Kammalas should also be brought under the Bill. The speech of the learned Law Member has caused an apprehension in the minds of those who want to include the Pandi Kammalas also in this Bill. I think that it is quite impossible to include them at the Select Committee stage. There may be technical difficulty. I also think that neither the Select Committee nor this House has power to change the Preamble of the Bill and to include the Pandi Kammalas also. If the Bill is sent to the Select Committee there is every possibility of the committee proceeding with the Bill as it stands now. It it so happens, we will be doing a disservice to the community. We should not undertake legislation for the purpose of disuniting various sections of a community. If at all the State and this House undertake such legislation, that should be with the motive of bringing together the various sections and should not be for the purpose of widening the gulf of difference, if any, that exists between the two sections.

MR. M. SIVATANU PILLAI (*Tovala*): Is there not a system of law governing the Pandi Kammalas?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): Yes, there is a system of law governing the Pandi Kammalas and the Malayala Kammalas *i. e.* Mithakshara Law modified by custom and usage.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Whether the same system of law is applied both to the Pandi and Tamil Kammalas?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): The same system of law is applied to the Pandi and the Malayala Kammalas at present. So my submission is that if legislation is under taken, it should apply to both the sections There is absolutely no justification for this Bill. That is my point. So, my request is that Government and this House should not undertake legislation of this kind and my request to the mover is that he must withdraw the Bill and introduce a Bill concerning the whole community.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Does the member agree to the Bill being made optional even to the Malayalam speaking Kammalas?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): This is a matter which requires serious consideration. If it is made optional even to the Malayalam speaking Kammalas, why should they want the Bill at all?

With regard to succession, naturally every father will treat his sons and daughters alike. But the mover of this Bill...............

DEPUTY PRESIDENT: After saying that the Bill should be withdrawn are your observations relevant?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): My first position that the Bill should be thrown out...................

DEPUTY PRESIDENT: So, your present observation is without prejudice to that idea. Then alright.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): The mover of the Bill wants to exclude the daughter and perhaps he thinks that an affectionate father can give his daughter something by way of a will or gift, provided she remains obedient to him. That is wisely calculated step and the mover must be congratulated.

With regard to divorce I think, the provision in this Bill is very lenient. My submission is that the provisions regarding divorce should be made more stringent. According to the present provision it is very easy to get a divorce and it is very cheap also. In the matter of fixing the amount of compensation the grounds alleged for divorce must be taken into consideration along with the position and status of the parties.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): I support the principle of this Bill. I want to make some observations with regard to the applicability of the Bill. I may at once say, that the Bill may be made more comprehensive and applicable to all classes of Kammalas in this State. The mover of the Bill makes it applicable to the Malayalam speaking Kammalas alone. I beg to say that the mother-tongue

[Mr. V. Ramakrishna Panickar.]

of a people or the language of a people is not a very sure test in ascertaining to which community those people belong. The *makkathayee* Vellalas living in Central and North Travancore do speak Malayalam, whereas their brethren living in South Travancore speak Tamil and yet there is no distinction made in their laws relating to matrimony and inheritance.

MR. E. K. KUNJURAMAN (*Mominlaed*) : മലയാളം സംസാരിക്കുന്നവരും തമിഴ് സംസാരിക്കുന്നവരുമായ കമ്മാളർക്കു തമ്മിൽ പല ആചാരവ്യത്യാസങ്ങളും ഉണ്ടെന്നറിയാമോ?

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): അതിനെ അടിസ്ഥാനമാക്കിയല്ല നിയമം ഉണ്ടാക്കേണ്ടതു്. അവരെ ഭരിക്കുന്ന നിയമവും ദായക്രമവും ഒരു പോലെയായിരുന്നാൽ നിയമം ഒന്നാക്കുന്നതുകൊണ്ടു തരക്കേടില്ല.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether the member is aware that the system of law relating to marriage and inheritance of the Malayalam speaking Kammalas is entirely different from the system obtaining among the Tamil Kammalas ?

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*) : I think it is the same.

MR. M. MAHOMED HANEEF (*Nominated*) : Are there not two forms of marriage prevalent among the Kammalas, one by presentation of cloth and the other by *thalikett u?*

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*) . I think it is one and the same. My position is that the Bill should be made applicable to all classes of Kammalas. Whether Malayalam speaking or Tamil speaking or speaking any other language, they must all be governed by one and the same law.

Of course, there are two or three sections among the Kammalas of the State each claiming superiority over the other in point of caste. But that is no ground for treating them differently in a legislation of this kind. If they are all governed by the same *dayakramam,* then the law that is to apply to all of them must also be one and the same. For instance, we have the recent Malayala Brahmin Regulation. We all know, Sir, that the Malayala Brahmin community consists of different sections like the *Nambootiris*, the *Pottis*, the *Nambiadiris*, the *Elayathoos* and the *Moothathoos*. In fact, there is no intermarriage or interdining between them. Still there is only one Regulation applying to all of them.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*) : Are the Tamil Brahmins included in that Regulation referred to by the honourable member ?

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*) : No.

Therefore, Sir, it would be desirable if we have one law **applying** to all the sections of the Kammala community also.

The Law Member has pointed out some technical objection in applying this Bill to all the sections of the Kammala community.

DEPUTY PRESIDENT : That point has already been adverted to by another member.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*) : The mover of the Bill says that the Bill applies only to Malayalam-speaking Kammalas. It has been stated that the technical objection raised by the Law Member might be removed if the Chair would permit. If it is the intention of the mover that the Bill should be made to apply to all classes of Kammalas and if that is the sense of the House also, I hope the Chair would be generous enough to give the necessary permission.

MR. K. R. ELENKATH (*Kalkulam I*) : Is the member in favour of enacting a measure exclusively for Malayala Kammalas?

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*) : My position is that the Bill should be made applicable to all classes of the Kammala community.

DEPUTY PRESIDENT : Have you finished?

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*) : I submit there is no time-limit.

DEPUTY PRESIDENT : No, and I shall be the last person to curtail your freedom ; but I see that several members are anxious to speak on this Bill.

MR. V. RAMRKRISHNA PANICKAR (*Kartikapalli II*) : Sir, in the light of my suggestion that the Bill should extend to all sections of the community, the definition of the term 'Kammala' has also to be changed. A simple definition to the effect "Kammala shall include all people known and recognised as such," may be quite sufficient.

With regard to marriage, the Bill provides that the marriage of minors will be valid only if they take place with the consent of the legal guardians of the minors. At the same time there is another provision which says that, on attaining majority, it is open to the minors to revoke the marital alliance. These provisions are inconsistent. Further, the married couple may beget children during their minority. To allow divorce at the sweet will and pleasure of one of the parties to the marriage under the above circumstance may lead to disastrous consequences. The provision is therefore objectionable.

The mover of the Bill observed that there is the practice in the community of one and the same woman having more husbands than one at the same time. That practice, if it exists, has to be put an end to.

Then a word about divorce. Some sections of the community are averse to the very idea of divorce. But there may be extreme cases in which, in the interests of all parties concerned, divorce may be necessary. Therefore, I would suggest to the community to take advantage of this opportunity which has presented itself to them and to provide for divorce with suitable restrictions.

[Mr. V. Ramakrishna Panickar.]

In regard to the provision relating to inheritance, there seems to be a misapprehension that the Kammalas are governed by the *Mitakshara* law of inheritance. I do not think they are governed entirely by that law. There are customs having the force of law which govern their inheritance.

The mover of the Bill referred to the *kudivaippu* ceremony and said that unless that ceremony is gone through, the wife would not acquire any right in her husband's family and would continue to have her rights in her mother's family. No doubt there is that custom in the community, although it is gradually dying away. The Bill may therefore disregard that practice. But some people might have acquired vested rights on account of that practice. It may therefore be necessary to have a saving clause to protect such vested rights.

With these words, I support the principle of the Bill.

DEPUTY PRESIDENT: Considering the prolonged discussion we have had, and also the fact that the number of honourable members who opposed the Bill was very few, I should think that I should call upon the Law Member to speak, unless there is some special, important point of view which has not yet been raised and which may well be placed before the House.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): In the first place I want to place before the House the attitude of the Kammalas of my taluk towards this Bill. A few months back there was a conference of Kammalas which they called Viswakarmajars' Conference. I had the privilege of addressing the conference. I may inform the House that throughout the proceedings of the conference, beyond even the shadow of doubt, there was a strong feeling on the part of the community that this Bill was likely to bring about a cleavage between the two sections of the community. It is the desire of the community to weld together not only the Tamil and the Malayalam speaking sections of it but also every other section which may come under the comprehensive classification known as Viswakarmajars, such as Tamil speaking goldsmiths, blacksmiths, kallasaries and others.

RAO SAHIB MAHA KAVI S. PARAMESVARA AIYAR (*Nominated*): Is there any real difference between Tamil *speaking* Kammalas and Malayalam-*speaking* Kammalas, irrespective of the question of their mother tongues?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*); Sir, my own view is that the members of the community are really very ambitious when they want the various sections of it to be welded into one. As suggested by my friend Mr. Paramesvara Aiyar, the language that is spoken is not really the important point of difference between the various sections of the community. As has been pointed out by some of the previous speakers, even among the Malayala Kammalas some speak Tamil. That depends on their environments. So far as I know, there is

marked difference between the cultures, between the manners and customs, and between the traditions of the Tamil Kammalas and the Malayala Kammalas. In my taluk, the Tamil Kammalas do not intermarry, or intermingle in social functions, with the Malayala Kammalas.

MR. N. VELU ACHARI (*Co-opted*) : രണ്ടുകൂട്ടരും തമ്മിൽ യോജിക്കുന്നില്ലാ എന്നുപറയുന്നു. എന്നാൽ അവർ തങ്ങളിൽ വിവാഹം നടത്തുന്നുണ്ടു് എന്നറിയാമോ?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*) : ഇല്ലെന്നാണു എന്റെ അറിവു്. There may be exceptions in this community also as there are among other communities.

Coming to the provisions of the Bill, there are serious defects in some of the provisions, for example, in the provision relating to the right of the widow on her former husband's estate.

MR. P. C. KURIYAN (*Kottayam I*) : Is the member referring to the Kammala Bill which is now before the House or to the Hindu Widows' Remarriage Bill which was before the House yesterday ?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*) : I am sorry I committed a mistake.

Sir, as Mr. Thanu Pillai pointed out, there is no justice or fairness in excluding the daughter from inheritance. That is really a serious defect ; and I hope it will be rectified by the Select Committee.

I hope the Bill will receive the support of the House.

The House rose for lunch at 1 P. M. and reassembled at 2 P. M. with the Deputy President in the Chair.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Sir, a good deal of confusion has arisen in the investigation as to who will all come under the designation 'Malayalam speaking Kammalas". Whatever may be the exactness of the wording used in the Bill, I think that everyone of us who is acquainted with the country will realise that there are two distinct sets of people, one following the Tamil ways and the other following more the Malayalam ways and a distinction is maintained as between them. This is recognised by everyone. Considerable criticism has been levelled against the Bill because the mover has not included a particular section of people within the scope of the Bill.

MR. N. VELU ACHARI (*Co-opted*) : ഭാഷാവ്യത്യാസമുണ്ടായിരുന്നാലും കമ്മാളർ ഒരു സമുദായമായിട്ടാണറിയപ്പെടുന്നതു് എന്നു് മെമ്പർക്കറിയാമോ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : They are known as two distinct entities. I do not accept the premises contained in the question of my friend Mr. Velu Achari. He says that they are known as one. I do not admit that. They are known, recognised and admitted as two distinct sets of people.

DEPUTY PRESIDENT : There are many more things as language,

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Yes, language is a minor distinction according to me. This Bill became necessary, because, among one set of people who follow Mitakshara law greatly modified by local custom, great divergence and much confusion exist with regard to marriage, dissolution and intestate succession. It has been pointed out that they are following the Mitakshara law. The common adherence to the Mitakshara system has been trotted out as a great argument to show that these two disinct entities are welded together as one community and the mover of the Bill has been ascribed with a motive to drive a wedge into the community to divide it. There are so many people who say that they are following the Mitakshara system of law. There are Kuravas and Pulayas to whom the Mitakshara law is applicable, of course, modified by custom. It has been conceded that all sections of Kammalas, whether they be Tamil speaking or Malayalam speaking, follow the principles of Mitakshara law but as modified by local custom. The local custom has influenced sections of people living in different parts to act according to the customs followed by the other communities amongst whom these people happen to live so much, that their adherence to Mitakshara law is only nominal and many of the customs are entirely antagonistic to the principles of Mitakshara law. Therefore the Malayala Kammalas living and following these customs in the Malayalam speaking areas have nothing in common with these Kammalas following Tamil custom. They deviated from the Mitakshara law farther and farther in a much greater degree than the Kammalas who lived amonst communities strictly following the Mitakshara system of law. Therefore whatever may have been the origin of the Kammalas, whoever might have been their common parent or whichever might have been the common stock from which they descended it cannot but be accepted, that owing to the passage of time, they have become two distinct sections of the community on account of the different customs and manners that they follow. That there are two distinct sets of people cannot be denied. I could have understood the complaint if any section of people has been included without their consent and brought in for the application of a new system of law.

MR. N. VELU ACHARI (*Co-opted*) : മലയാളം സംസാരിച്ചു വരുന്ന കമ്മാളർ തമിഴ് ആചാരങ്ങൾ സ്വീകരിക്കുകയും, മിതാക്ഷരാലാവലംബികളായിരിക്കയും ചെയ്യുന്നുണ്ടെന്നു മെമ്പർക്കറിയാമോ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : All these questions have been answered more than once and I shall not allow myself to be diverted from the course of my argument and drawn into irrelevance. I am not making a distinction on the basis of language merely which has created a good deal of confusion. The distinction is made on the basis of solidified customs. I pointed out the attendant circumstances which should not be forgotten and which have brought into existence this distinction. The mover of the Bill has pointed out in the statement made when introducing the Bill that a vast majority of the Kammalas are the Malayala Kammalas following Malayalam customs. They form

the vast bulk of the community. They number about a lakh and ninety thousand. Only about fifteen thousand or so belong to the so-called Tamil speaking Kammalas. He has with very great respect for the sentiments of the people who follow the Tamil customs, excluded them from the purview of the Bill. Such exclusion cannot be attributed to a desire to dissect the community into two. On the other hand it must be taken to be an expression of respect for the sentiment of those people. As a matter of fact, knowing as we do, the people who follow the Tamil customs more, among these artisan classes called Kammalas, it will be considered a great violation of their existing customs and usages prevalent among them to make this Bill, applicable to them. There will be real difficulty for those people to adopt the provisions of this Bill, though the mover might say that he has no objection to include them also within the scope of the Bill. Then the question will arise whether the provisions of this Bill may not have to be changed fundamentally. Then again the argument will come in that no provision against the principles of the Mitakshara law should be introduced. Then the House and the Committee will have to come to a decision on that. That will mean the majority of Kammalas having very little to do with Mitakshara law will have to accept a law on the basis of Mitakshara principles. That will mean the minority forcing its will on the majority. If that is not acceded to then the Bill will have to go. Then there will be more confusion. The opposition made out that they are against the Bill, because it excludes the Tamils. That is the thin end of the wedge. Once you include them then the cry will be raised that the principles of the law followed by a particular section are violated. Really this is only an indirect attempt to torpedo the Bill. The question that the House has to address itself is whether the vast majority of the Kammalas who follow a particular custom and who are distinct from those who follow to a greater degree the Tamil customs and the Mithakshara system of inheritance, should be separated? Should these people, the Malayala Kammalas, get a definite system of law which may be applicable to them. So far as people who follow more the Malayala customs, i.e. the Malayala Kammalas, it will be seen that this Bill will not be considered as an outrageous innovation in their customs and usages. On the other hand the Bill will be considered as very revolutionary by the Tamil Kammalas or those who follow more the customs of the Mitakshara system of law, because, they live among communities who follow that law. It may be asked why should there not be, though there is no intermarriage and interdining, a common law for these two sets of people? I ask in return why should there be a common law for these two sets of people. I ask again if so why should there not be a common law for the Tamil Brahmins and the Nambootiri Brahmins. Both are following the Mitakshara system of law. Both occupy the same position in the same order. The parallel is exact so far as the Tamil speaking and Malayalam speaking Kammalas are concerned. The parallel is exactly applicable with all

[Mr. K. Kunjukrishna Pillai].

force in this instance as well. Yet nobody has contended and none of these communities contended that for the sake of solidarity all the Brahmins must be grouped together under one and the same law. Why is it? Because they were sensible enough to realise the existing differences in custom. They were culturally different and it was not practicable to weld them together. So far as I am concerned, I am against the inclusion of the Tamil Kammalas, in the scope of this Bill since it will lead to interminable difficulties and endless confusion. According to me this plan is merely an attempt to torpedo this Bill and it ought to be resisted. If they say that there is absolutely no difference between the Tamil and Malayalam speaking Kammalas then why not they come in as Malayalam speaking Kammalas, because, the definition of Malayala Kammalas is so elastic enough to bring them also within the Bill.

MR. VELU ACHARI (*Co-opted*): മലയാളം സംസാരിക്കുന്നവരുടെ കൂട്ടത്തിൽ തമിഴ് സംസാരിക്കുന്നവർ വന്നുചേർന്നാൽ അവരുടെ ഭാഷയിൽ വ്യത്യാസം വരുമെന്നു മെമ്പറിന് അറിയാമോ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I am not concerned with that and my argument is not based on the distinction of language. I refuse for the third time to be drawn into that confusion which my friend has created.

DEPUTY PRESIDENT: ഇപ്പോൾ ചോദിച്ച ചോദ്യങ്ങൾക്കുള്ള ഉത്തരം പലതവണ പല പ്രകാരത്തിൽ പറഞ്ഞു കഴിഞ്ഞു. അതിനാൽ ഇനിയും അതിലേക്കുത്തരം പറയണമെന്നു മെമ്പർ ഇച്ഛിക്കുന്നില്ല. ഈ അഭിപ്രായം ശരിയാണെന്നു എനിക്കും തോന്നുന്നു.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Therefore, there is no attempt to divide the community. It merely recognises the existing distinctions. It will be good in the interests of everybody concerned if this Bill is restricted to the Malayala Kammalas, who will be recognised as a distinct entity by everyone who has any experience of this country.

My friend Mr. Thanu Pillai pointed out certain defects with regard to the provision for inheritance. They are real defects and I think they must be considered only as omissions which could be rectified. They are such obvious errors which the mover of the Bill cannot be expected to make intentionally. Such obvious errors can easily be rectified in the course of the deliberations of the Select Committee. Therefore I think, Sir, the House should not allow things to be complicated by enhancing the scope of the Bill and inviting further confusion and difficulties. The Bill must restrict itself to the Malayala Kammalas, whatever be the wording, to facilitate clearness and to denote the clear distinction between sections of people whose difference is based not merely on language but more substantially on the customs which they follow. With these words I have very great pleasure in supporting the principle of the Bill.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Sir, I take a different view of this Bill and wish to make a few observations on the Bill from my point of view. To me it appears that this Bill suffers from a fundamental defect which should induce us to throw it out without proceeding to consider the merits of it. I shall explain my point of view.

It is essential that every piece of legislation should define exactly its scope and the extent of its application. I am of opinion that this Bill does not define the scope and extent of its application. For this reason the Bill does not deserve to be considered at all. I shall elucidate my position. The Bill is intended to apply to Malayalam speaking Kammalas. The expression 'Malayalam speaking Kammalas' does not connote a definite idea, and is a loose expression. There is no community known as the Malayalam speaking Kammalas. Such an expression is not recognisable in law. I am definitely and emphatically of the opinion that the scope of the Bill has not been exactly defined in the Bill itself. Clause 1 (3) of the Bill which seeks to define its scope has only to be read to be condemned. The test to be applied to determine whether an individual will be subject to this law is one based on the language of the particular person. This is an illusory test. It is not a safe and reliable test. There is nothing to prevent any Malayalam speaking Kammala of today from becoming a Tamil speaking Kammala some time hence. A Malayalam speaking Kammala family of North Travancore may migrate to South Travancore, settle down there and become in course of time a Tamil speaking Kammala family. Likewise a Tamil speaking Kammala family, may become a Malayalam speaking family by settling down in North Travancore. What will be the law applicable to such families? The scope of the Bill is restricted to the Malayalam speaking Kammalas. Obviously difficulties will arise in applying the provisions of the Bill. Suppose Mr. Nilakantan has a grand-son born in Madras. He will naturally be a Tamil speaking Kammala. Under the provisions of the Bill he will not come under the scope of this Bill. Will Mr. Nilakantan contend that the Bill should not be applicable to him.

MR. P. C. KURIYAN (*Kottayam I*): What does the member say about the subjects of the State who are both Malayalam and Tamil speaking Kammalas?

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): I am coming to that point. That is what I am going to speak about them. The extent of the application so far as the subjects of the State are concerned is not defined. One of the fundamental principles of legislation is that the extent of its operation should be exactly defined. There may be a Kammala who may come under both categories, Malayalam speaking and Tamil speaking. So far as a particular Kammala is able to speak Malayalam, the principles of the Bill will be applicable to him and to the extent to which he is able to speak Tamil, he will not be subject to its provisions. Is this the position which Mr. Nilakantan contends for?

MR. K. PADMANABHAN (*Chirayinkil I*) : Is it not possible to define the scope and extent of the Bill by an amendment ?

MR. S. CHATTANATHA KARAYALAR (*Shencotta*) : At the outset I said that the scope of the Bill must be defined by the mover of the Bill. It is not open to this House to define it or to extend or restrict its application. The House will be competent to discuss the Bill only if its scope is defined by the mover.

MR. M. SIVATANU PILLAI (*Tovala*) . Is it the member's point that there is no distinction between the different sections of the community ?

MR. S. CHATTANATHA KARAYALAR (*Shencotta*) : No. The extent of the operation of the Bill, so far as the subjects are concerned is not defined. Therefore there is the possibility of a person who comes under the law today withdrawing himself from it tomorrow.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Does the member understand from the scope of the Bill that according to it a Malayalam speaking Kammala should speak no language other than Malayalam ?

MR. S. CHATTANATHA KARAYALAR (*Shencotta*) : I have made myself sufficiently clear on this point. There is a distinction drawn between Malayalam speaking and Tamil speaking Kammalas both in the definition and operation clause and all the difficulty is created by this artificicial distinction. I am referring to this difficulty in order to emphasise it.

MR. M. SIVATANU PILLAI (*Tovala*) : If according to the member those principles are ill defined, is it not open to him to remove the defects ?

MR. S. CHATTANATHA KARAYALAR (*Shencotta*) : It is the business of the mover to define the scope of the Bill and it is not open to this House to assume the role of the mover in this respect.

MR. N. VELU ACHARI (*Co-opted*) : മലയാളം സംസാരിക്കുന്നവർ എന്നു പറയുന്നതിൽ മലയാളം സംസാരിക്കയും തമിഴ് ആചാരങ്ങളോടുകൂടിയിരിക്കയും ചെയ്യുന്നവർ കൂടി ഉൾപ്പെടുമോ ?

MR. S. CHATTANATHA KARAYALAR (*Shencotta*) : I take very strong objection to the consideration of this Bill because the extent of the application of the Bill is not defined correctly. It is a fundamental defect which goes to the root of the Bill. It is a fatal defect, which does not leave us any choice in the matter. Since the scope of the Bill is not properly defined, there is no good in proceeding with the Bill.

There are other defects also in the Bill. The Bill is intended to apply also to 'Kammalas whether so domiciled or not, as have or shall have marital relations with Malayalam speaking Kammalas domiciled in Travancore'. Suppose a Kammala from British Malabar enters into marital relations with a Malayalam speaking Kammala in Travancore. How can the provisions of the Bill be enforced on him ? Although the law may be enforceable in Travancore, it can be defied and violated by

him with impunity. He can snap his fingers at your law, although in theory he will be subject to your law. Are we to make a law, with the full knowledge that it will not be obeyed and cannot be enforced? This House should not give its sanction to a piece of legislation which to its knowledge will not be obeyed. How are we to apply the law to all the Malayalam speaking Kammalas whether domiciled or not? Another point I wish to impress on this House is that we cannot legislate for people who are not domiciled in Travancore. That will be an attempt to alter the personal law of people who are not domiciled in Travancore.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Could not the principle of the Bill be applied to those who have entered into marital relationship with the people in Travancore?

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): It cannot in practice be done. You can have a piece of legislation on paper, but it cannot be enforced. Take for instance, the case of a Malayalam speaking Kammala from British Malabar who entered into marital relationship with a Kammala girl in Travancore. In so far as his properties in Travancore are concerned, this law may be enforced but not in respect of his properties in British Malabar. The law applicable to these properties will be his personal law. This House should not make laws which will impinge on the personal laws of people who are not domiciled in Travancore.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Are there not similar enactments in Travancore dealing with the question of personal law also?

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): The Bill brought forward by the mover contains many absurdities and I am dealing with them. I am not concerned with other pieces of legislation When they come up for discussion, I shall make my comments on them. At present I am making my comments on the Bill before the House. The Bill is lacking in fundamental requisites. Therefore it must be thrown out, without further consideration.

The Law Member said that the Government would adopt a neutral attitude over this Bill. In view of the fundamental defects I have pointed out, I trust that the Government Benches will shake off their neutral attitude and throw in their weight for the rejection of the Bill. The Bill in its present shape does not deserve to be considered at all.

MR. M. SIVATANU PILLAI (*Tovala*): Is the member aware of the distinction drawn by the Census Commissioner in respect of the Malayalam speaking and Tamil speaking Kammalas?

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): There may be. But I am speaking about the absurdities inherent in this Bill. If my friend Mr. Nilakantan comes forward with a Bill free from these defects, I may be inclined to support him.

MR. M. SIVATANU PILLAI (*Tovala*): May I know, in which way the cure lies?

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): It is not possible to cure the Bill at this stage. It is for the mover to look into it. Anyway the defects of the Bill are not curable by this House. I appeal to the House to throw out the Bill.

Sir, in the view I have taken of this Bill, I do not think it is necessary to make any comments on the provisions of the Bill, although I have got some serious objections to certain specific provisions. I appeal to the House once again to throw out the Bill.

DEPUTY PRESIDENT: Before the discussion proceeds, I shall read out a short passage from the Census Report. I find there has been a very great misunderstanding as to the position of the Kammalas. The Report of the Census Commissioner is an anthoritative statement of the Government and for practical purposes it may be depended upon.

> "Kammalas consist of two main classes, Pandy Kammalas and Malayala Kammalas. Each of them is further divided into five occupational castes, namely, Kannan or Musari (Brazier), Kalthacotan or Kallasari (Stone worker), Kollan (Iron worker), Thachan or Asari (Carpenter) and Thattan (Gold-smith) The different sections of Pandy Kammalas wear sored thread and interdine and intermarry with one another, but those of Malayala Kammalas do not. The Pandy Kammalas own Brahmanical Gotras and resemble Brahmins in their marriage rites. They have been agitating for being called Brahmins under the name of 'Viswa Brahmin' or 'Viswakarma'. The latter name is now being adopted by both the Pandy and Malayala Kammalas. They are all Makkathayis. Among the Malayala Kammalas there are also a few minor subcastes besides these mentioned above, such as Vilkurups and Villasans. Vilkurups who used to make bows and arrows are the recognised priests of the Kammalas. In Mavelikara taluk they also function as barbers to the Kammala community. Their system of inheritance is Makkathayam. Vilasans are sawyers by profession and are largely found in Nedumangad taluk They speak Malayalam and are Marumakkathayis."

I have read out this passage just to prevent unnecessary questions being put in respect of distinctions sought to be drawn between the two communities. This may be considered by the House.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): I perfectly agree with the view expressed by some of my friends on this side of the House that we shall be landing ourselves in very serious difficulties if we go on the basis of language and divide this community into Malayalam speaking Kammalas and Tamil speaking Kammalas. But although, in the Bill, my friend Mr. Nilakantan has referred to Malayalam speaking Kammalas, I understood from his speech delivered to-day that the Bill was intended to cover Malayala Kammalas as distinct from Tamil Kammalas. Proceeding on that basis there is a clear distinction between these two divisions of the Kammala community. There are well defined differences in the matter of marriage and succession and several other matters, so much so that it seems to me that there can be nothing wrong if we proceed with this Bill for the benefit of Malayala Kammalas alone. At the same time, I consider that it should be open to any person to come forward and say that he is not a Malayala Kammala and that he should be excluded from the operation of this Bill when it is passed into law. That liberty

will have to be given to the members of the community who are unwilling to accede to its provisions as was done to the members of the Ezhava community who were in a similar position before the Ezhava Regulation was passed. If there is some such provision those who were conscientious objectors may get out of the ambit of this Bill, while others who are desirous of having a law for themselves, can secure it. No doubt a law is very necessary both in the interests of that community as of the other communities, because as Mr. Kuriakose said yesterday it is very difficult to have any dealings with the community because nobody knows what the judgment of a civil court would be when a case goes up before it. All that I mean is that perfect liberty should be allowed to individual families to get out of the provisions of this Bill if they so choose, as regards the transaction entered into by members thereof. On that basis I have very great pleasure in supporting the principle of the Bill.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I appreciate the spirit with which this Bill is brought forward by the honourable member. The Kammala community, as described by him, has no uniform law throughout the country. Its customs vary from place to place and even the law as known or understood by them could not be got administered to them for want of funds. If that is so, it is absolutely necessary that there must be some uniformity in the law applicable to that community and it is better that that law is clearly laid down by means of a statute. But the present attempt does not appear to be simply to codify the existing law. The Bill also seeks to amend the law obtaining at present. For the amendment of the law it is necessary that the sense of the community must be ascertained. With regard to the Kammala Bill I find very great difficulty to adopt a definite position. A community whose law is not very clearly defined is entitled to have a legislation in the matter. But this House which is not possessed of sufficient materials to legislate upon the matter must see that it does not inflict a law upon a community without ascertaining its sense. With regard to social legislations which have been passed by this legislature, care was always taken to ascertain the general trend of opinion. There was a Marumakkathayam Commission, there was an Ezhava Commission and whenever there was a demand from any community for social legislation there was also an attempt on the part of the Government to ascertain the sense of that community. But with regard to this Bill I do not think any such attempt has been made. The mover of the Bill stated that the opinion of the Division Peishkars have been taken by the Government, and that the Division Peishkars have reported favourably on it. I am not particular about knowing the source from which the learned member got the information. But the authenticity of the same can be relied upon only when it comes from the Government Benches. The Government must, in these matters, supply sufficient materials to this House before calling upon it to exercise its vote.

DEPUTY PRESIDENT: Government does not call upon this House to do anything.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): The Government owes a duty to this House. It gave sanction for a legislation to be brought forward to this House and it wants this House to record its opinion. The only machinery, according to me, that can collect sufficient materials with regard to these matters is the Government.

MR. S. J. NAIR (*Nedumangad*): May I know the position of those honourable members here who represent that community ?

DEPUTY PRESIDENT: The position of the honourable members of this House is so well known that I do not think Mr. Damodaran Asan need answer it.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): What I want the Government to do, is to give us meterials to come to a conclusion.

DEPUTY PRESIDENT: There seems to be a misunderstanding which I think I should point out. Mr. Asan probably suggests that Government do not seem to be particular as to the way in which this House should do anything because it is not an official Bill. All that the Government have done was to give permission to Mr. Nilakantan to introduce the Bill so that the burden is now on the mover of the Bill. So I say that the attitude of the Government is not so important in this as in other matters. (Mr. S. J. Nair, hear, hear.)

MR. S. J. NAIR (*Nedumangad*): Sir, one word of explanation.

DEPUTY PRESIDENT: No word of explanation is required.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): With regard to a social legislation there is provision that the sanction of the Government must be obtained. The sanction of the Government is expected to be given on the basis of certain facts. I would have been in a better position to come to a conclusion on this matter if I had definite materials with regard to the same. It is not proper that a Bill brought forward for the welfare of a community should be thrown out by us and it is not proper that we must pass the Bill without knowing quite well the views of the community. That is the difficulty. With regard to the difficulty of the members themselves I can make my position clear. We have heard a number of speeches on this matter and I may not be far wrong when I say that there were as many views as there were speakers on the question relating to the customs of the Malayalam speaking Kammalas, Tamil speaking Kammalas and their relationship with one another. When that is the case how can we come to a conclusion with regard to a law that has to be enacted for the whole State? What happens is that the Kammalas follow different customs in different parts of the country. Members who are accustomed to that part of the country know that system and assert that that is the custom of the Kammalas throughout the State. It is due to that circumstance that we had one version from Mr. Sivatanu Pillai coming from South Travancore and other versions from certain other members coming from the middle and northern Travancore. So my point is that we would have been in a much better position if we had sufficient materials to legislate on this matter.

Coming to the Bill itself, while I wish to see that a law is passed for the promotion of the interests of the community, we must also see that the Bill does not bifurcate the community if there is a homogeneous community known as the Kammalas, in Travancore. Even if the Malayalam speaking Kammalas and the Tamil speaking Kammalas have different customs it is not after all very difficult to have a law which could be acceptable to both. Here we are now discussing the whole matter without having a single member representing the Tamil Kammala community.

MR. S. J. NAIR (*Nedumangad*): Is not Mr. Velu Achari the representative of the Tamil Kammala community?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): No. What he said was that his ancestors were Tamil speaking Kammalas and that he is now a Malayalam speaking Kammala.

MR. P. C. KURIYAN (*Kottayam I*): May I know when he said so?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Yesterday.

DEPUTY PRESIDENT: Mr. Kuriyan must realise that there is no point in that question. The House has been alive to what the members have said and the question as to when he said is not a good question. Considering that we have a good business to do, such questions, I hope, will not be put.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I am not for excluding any section of the Kammalas from this Bill. But there should be one reservation. Sir, from the Census Report we find that there are certain Christian Kammalas. I do not know whether these Christian Kammalas would like to have this Kammala Bill. All that the Bill says is:—

> "It shall apply to all Malayalam speaking Kammalas domiciled in Travancore and to such Kammalas whether so domiciled or not, as have, or shall have marital relations with Malayalam speaking Kammalas wherever domiciled in respect of their properties in Travancore".

So unless we make some reservation with regard to Christian Kammalas, I fear that there will be opposition from that section as well.

MR. N. VELU ACHARI (*Co-opted*): കമ്മാളർ എത്ര തരക്കാരുണ്ടെന്ന് ഇവിടെ ഒരു സംശയം വന്നു ചേർന്നിരിക്കുന്നു.

DEPUTY PRESIDENT: സംശയമുണ്ടെങ്കിൽ വച്ചു കൊള്ളുക. പ്രസംഗിക്കാതെ ചോദ്യം വല്ലതുമുണ്ടെങ്കിൽ ചോദിക്കാം.

MR. N. VELU ACHARI (*Co-opted*): ഇവിടെ തമിഴ് സംസാരിക്കയും, തമിഴ് ആചാരങ്ങൾ വച്ചുകൊണ്ടിരിക്കയും ചെയ്യുന്ന ഒരു കൂട്ടർ, മലയാളം സംസാരിക്കുകയും മിതാക്ഷര നിയമം ആചരിക്കയും ചെയ്യുന്ന ഒരു കൂട്ടർ, മലയാളം സംസാരിക്കുന്നവരും മരുമക്കത്തായം അനുവർത്തിക്കയും ചെയ്യുന്ന ഒരു കൂട്ടർ ഇങ്ങനെ മൂന്നു കൂട്ടരുണ്ടെന്നു മെമ്പർക്കറിയാമോ?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, it is attempted to group Kammalas into different sections, on different basis *i. e.* on the basis of speaking certain language, on the following of certain professions, on the basis of different localities which they inhabit, etc. So, taking all these things into consideration, I would like to have a Kammala Bill for the whole community.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the honourable member whether a sub-committee appointed by the Select Committee could not elicit the opinions of the members of this community with regard to the provisions of this Bill?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Well Sir, that is a matter about which I am not competent to express an opinion at present. What I am submitting is, that a Kammala Bill is absolutely necessary for the community as a whole. Let the Kammalas also have a law. But this distinction between Malayalam speaking and Tamil speaking Kammalas must be avoided because that is an uncertain distinction which can be got over at any time. My honourable friend Mr. Sivatanu Pillai was telling the House that the Tamil speaking Kammalas wanted to be called Viswakarma Brahmins. They say that they are not Kammalas. So they would not come within the scope of the Kammala Bill.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Why not we call it Viswakarma Bill?

DEPUTY PRESIDENT: That does not arise. It is in the womb of future.

MR. N. VELU ACHARI (*Co-opted*): സെൻസസ്സ് റിപ്പോട്ടിൽതന്നെ, "Kammalas or Visvakarmas" എന്നു പറഞ്ഞിട്ടുള്ളതായി അറിയാമോ?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, in the marginal note of the Census Report it is stated "Kammala or Viswakarma". Whatever is said in the Census Report, is not final in the matter. So let us not make any distinction between these two. So, I again say, that it is better to have a Kammala Bill for all the Kammalas. I have no objection in agreeing to the suggestion of Mr. Paramesvara Aiyar that provision should be made to give any family exemption from the operation of this Bill but let us have the whole community brought under the operation of this Bill.

With regard to another point, it has been asked whether this House or the Select Committee is competent to enlarge the scope of the Bill to include the Tamil speaking Kammalas also within its scope. My opinion is that the Select Committee and this House have got power to do the same. Anyhow, if it is ruled at a subsequent stage that the scope of the Bill cannot be enlarged this House has got the power of throwing out the Bill at the second or third reading stage. So that need not stand in the way of the members, accepting the principle of the Bill.

MR. A. ACHYUTHAN (*Kartikapalli I*): Sir, I rise to support the principle of the Bill. Sir, there are so far as my knowledge goes, two

distinct and separate communities in the State, the Pandi Kammalas and the Malayala Kammalas. There is no inter-dining or inter-marriage between these communities. Even in personal appearance the Pandi Kammala is different from the Malayala Kammala. So I don't think that there need be any apprehension that this Bill would bring about a cleavage between these two communities. Mr. Nilakantan Achari knowing as he does the conditions of his community,—

DEPUTY PRESIDENT: There is one correction necessary. The mover of the Bill calls himself Mr. Nilakantan and not Nilakantan Achari.

MR. ACHYUTHAN (*Kartikapalli I*): Mr. Nilakantan wanted to bring out a legislation that would systematise the conduct of Malayalam speaking Kammalas. There is a lot of discrepancy existing in the systems of marriage, devolution of property and other things. So, in order to regulate the conduct of the Malayala Kammalas the Bill is absolutely necessary.

So I support the principle of the Bill.

MR. M. K. JANARDANA KAMATH (*Commerce and Industry, North*): Sir, I support the Bill. I think that the principle underlying the Bill may be accepted. There is no dispute regarding the fact that the Bill will be welcomed by all sections of the Kammala community. The Kammalas form an important community in the State and they have been in the past agitating for legislation regulating their marriage, inheritance, etc. Recently, the needs of other communities such as Nairs, and Ezhavas have been satisfied by passing suitable Regulations regulating their marriage, succession, etc. As the Kammalas are also an equally important community, it is only fair and proper that their needs should also be satisfied by passing a similar Regulation. The Kammalas have held meetings in several parts of the State and have expressed beyond doubt that they would wholeheartedly welcome Mr. Nilakantan's Bill. I had occasion to attend some of their meetings, and even to take part in their deliberations regarding this Bill. I have been deeply impressed with the enthusiasm they have displayed in this matter. They are at present supposed to be governed by Hindu Law and the law of succession now obtaining among them, as observed by Mr. Nilakantan, I think, is quite vague and unsettled. Further, usage or customs prevailing in the community in regard to succession are not in strict accordance with the principles of Hindu Law. It is therefore desirable that the law governing the community in the matter of marriage and succession is settled by means of a Regulation.

With these words, I support the principle of the Bill.

MR. T. T. KESAVAN SASTRI (*Nominated*) : സർ, ഞാൻ ഈ ബില്ലിന്റെ തത്വത്തെ അനുകൂലിക്കുന്നു. കമ്മാള സമുദായത്തിന്റെ പൊതുവെയുള്ള അഭിവൃദ്ധിക്കു ഈ ബില്ല് ഏററവും പര്യാപ്തമായിത്തീരുമെന്നാണു് എന്റെ വിശ്വാസം. പ്രവർത്തികൊണ്ടു് വിവിധരീതിയിൽ

[Mr. T. T. Kesavan Sastri.]

കഴിയുന്നവരാണ് ഇവർ. നാട്ടിൻപുറങ്ങളിൽ മരയാശാരി, കല്ലാശാരി, പൊന്നാശാരി എന്നീ വിവിധരീതിയിൽ അറിയപ്പെടുന്ന ഈ സമുദായത്തിന് ദായക്രമവും പിൻതുടർച്ചാവകാശവും ഇതുവരെ ശരിയായി നിലനിറുത്താൻ സാധിച്ചിട്ടില്ല. ഈ ഗണ്യമായ കുറവിനെ പരിഹരിക്കത്തക്കവണ്ണം ഒരു നിയമം അവതരിപ്പിക്കാൻ ഇപ്പോൾ ഗവൺമെൻറനുവാദം ലഭിച്ചതുകാര്യമായി. കേവലം ആചാരപരമായ ജീവിതരീതിയെ അഭയം പ്രാപിച്ചുകൊണ്ട് തമിഴൊ മലയാളമൊ സംസാരിക്കുന്ന രണ്ടു കൂട്ടരെ സംഘടിപ്പിക്കാൻ പാടില്ലെന്ന് അവരുടെയിടയിൽത്തന്നെ അഭിപ്രായം ഉണ്ടായിരിക്കാം. എന്നാൽ ഈ ഇരുകൂട്ടരുടെയും ഏകകണ്ഠമായ അഭിപ്രായത്തിന്മേൽ ഈ ബില്ലിനെ അംഗീകരിക്കാൻ സാധിക്കുന്നപക്ഷം അത് സമുദായത്തിന് ഏററവും പ്രയോജനകരമായിത്തീരും എന്നുള്ളതിൽ പക്ഷാന്തരമില്ല. കർമ്മപരമായ സാമുദായികരീതിയെ മുൻനിറുത്തി സംഖ്യാബലത്തോടുകൂടി മുന്നോട്ടുപോകുന്നൊരു വൻപിച്ച സമുദായത്തെ ഭിന്നിപ്പിച്ചു മുന്നോട്ടു നടത്തിക്കാൻ ഈ നിയമസമിതി ഒരിക്കലും അനുവാദം കൊടുത്തുകൂടാ. എന്തുകൊണ്ടെന്നാൽ ഒരേ പേരിനാൽ അറിയപ്പെട്ട സംഖ്യാബലംകൊണ്ടു ഈ രാജ്യത്ത് ഏറെക്കുറെ മുന്നണിയിൽ നിൽക്കുന്ന കമ്മാള സമുദായത്തെ കേവലം ഭാഷയെ മാത്രം ആസ്പദമാക്കി നിയമത്തിൽക്കൂടിയും തരംതിരിക്കാൻപുറപ്പെട്ടാൽ അത് പൊതുവെ ദോഷകരമായിത്തീരുന്നതാണ്. ഭാഷയെ ആസ്പദമാക്കി പ്രവർത്തിച്ചാൽ കുറെക്കഴിയുമ്പോൾ ഈ രണ്ടു ഭാഷയിലും പരിജ്ഞാനം സിദ്ധിക്കാത്തവനും ജനനാലും പ്രവർത്തനംകൊണ്ടും കമ്മാളനായിത്തീർന്നിട്ടുള്ളവനും, ഇംഗ്ലീഷ് സംസാരിക്കുന്നവനുമായ ഒരു വ്യക്തി ഈ നിയമത്തിൻെറ പരിധിയിൽപ്പെടാതെ വന്നേക്കാം. അതിനാൽ കേവലം ഭാഷാസൂചനകൊണ്ടുമാത്രം ഒരു ജാതിയമായ നിയമം രൂപീകരിക്കാൻ പാടുള്ളതല്ല. മദ്ധ്യോത്തരതിരുവിതാംകൂറിൽ കമ്മാളസമുദായത്തിൽപ്പെട്ട പലയാളുകൾക്കും ഈ ബില്ലിൻെറ ആദർശങ്ങളേയും തത്വങ്ങളേയും സംബന്ധിച്ച് ഭിന്നാഭിപ്രായമുള്ളതായി ഞാൻ അറിഞ്ഞിട്ടുണ്ട്. എന്നാൽ ഈ വക ഭിന്നാഭിപ്രായങ്ങൾ ഈ ബില്ല് സെലക്ട് കമ്മററിയുടെ പര്യാലോചനക്കു വരുമ്പോൾ യഥോചിതം നീക്കം ചെയ്യാവുന്നതാണ്. ഒന്നു രണ്ടു ദിവസത്തിനുമുൻപുള്ള "ഭാരതപത്രിക"യിൽ ഇതരസമുദായത്തിലെ ഒരു മാന്യൻ കമ്മാളബില്ലിനെ സംബന്ധിച്ച് ഒരു ദീർഘലേഖനം പ്രസിദ്ധം ചെയ്തിരിക്കുന്നതായികാണുവാൻ കഴിഞ്ഞു. "യോജിപ്പിക്കാൻയോജിപ്പിക്കാതിരിക്കുക"? എന്നായിരുന്നു ആ ലേഖനത്തിൻെറ തലചാവകം. സമുദായത്തിൻെറ സംഘടനയാണു ലേഖകൻ നിർദ്ദേശിക്കുന്നത്. ഈ ഉപദേശം അവസരോചിത

വും സ്വീകാര്യവുമാകുന്നു. കാര്യമായി ഇതിൽ സമുദായാംഗങ്ങളാണ് ശ്രദ്ധിക്കാനുള്ളതും. കേവലം നാമമാത്രമായ ഭാഷാസൂചനകൊണ്ടുള്ള വ്യത്യാസത്തെ പരിഗണിച്ച് ഈ ബില്ലിനെ തിരസ്കരിക്കാതിരിക്കുന്നതിന് നിയമസമിതിയും ഗവൺമെന്റും ശ്രദ്ധിക്കേണ്ടതാണെന്നാണ് ആ ലേഖനത്തിന്റെ സാരം. അതുകൊണ്ട് കമ്മാളബില്ലിന്റെ യോജിച്ചുള്ള നടത്തിപ്പിനു ഇതരസമുദായാംഗങ്ങളായ പൊതുജനങ്ങൾക്കുപോലും താല്പര്യം ഉണ്ടെന്നു കാണാം. അതിനാൽ രണ്ടു പാർട്ടിയിലുമുള്ള ബഹുമാന്യമെമ്പർമാരായ മെസ്സേഴ്സ് നീലകണ്ഠനും, വേലുആശാരിയും ഏകോപിച്ച് ഈ ബില്ലു പാസ്സാക്കുന്ന വിഷയത്തിൽ ഈ അസംബ്ലിയുടെയും ഗവൺമെന്റിന്റെയും സമുദായാംഗങ്ങളുടേയും ശ്രദ്ധയെ ആകർഷിക്കയാണുവേണ്ടത്. ഈ ബിൽ സമുദായനന്മക്ക് ആവശ്യമെന്നു കാണുകയാൽ ഇതിന്റെ തത്വത്തെ ഞാൻ ബലമായി അനുകൂലിച്ചുകൊള്ളുന്നു. സംഖ്യാബലമുള്ള കമ്മാളസമുദായത്തിന്റെ നന്മയെ മുൻനിറുത്തി ഗവൺമെന്റും ഈ നിയമസമിതിയും ഈ ബിൽ അംഗീകരിച്ച് ഏത്രയും വേഗത്തിൽ ഇതു നിയമമാക്കിത്തീർക്കുമെന്നു ഞാൻ വിശ്വസിക്കുന്നു.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, I may be permitted to add to the number of speakers on this Bill and also to the versions that they have given in this House.

DEPUTY PRESIDENT: Provided you do not repeat. (*Laughter.*)

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I shall not be guilty of that. It is gratifying to note that there is unanimity of opinion on this side of the House as to one principle. It is that the Kammalas do deserve a legislative enactment. On that point, there is no division of opinion. The cleavage appears to come only on one point; whether the Bill has to include in its field of operation only the Malayala Kammalas, or whether it should extend to the entire Kammala community including the Tamil Kammalas. To legislate for both under one Bill is difficult, for there is as much difference between the two as there is between Malayalam and Tamil. The Census Commissioner's Report gives us, at any rate, proof of that distinction. Our own experience with the members of this community, our own knowledge of the conditions prevailing among the members, enable us to be definite on this point.

So far as my opinion goes, in regard to the marital rights, this Bill introduces a vast but definite change. The Malayala Kammala community, so far as I know, are both polygamous and polyandrous. Sir, I have had occasions to conduct cases in which members of the Kammala community have figured as plaintiffs or defendants. The ingenuity of witnesses have very often baffled the knowledge of vakils. The idiosynorasy of Judical Officers has very often defeated the lawful claims of

[Mr. Puthupalli S. Krishna Pillai.]

the parties and the poverty of the members of the Kammala community has very often deprived them of the lawful decisions of the highest tribunals in the State. It is under these circumstances, that the Malayala Kammala community is working itself out into social evolution in these days.

Now, Sir, in the matter of inheritance, it is always necessary that there should be some definiteness. Fathers should feel that they have got their own children whom they are bound in law to support and to provide for after their death. Now the elder brother feels that the younger brother has as much liability to look after the affairs of the family as himself. If the younger brother feels that the elder brother has got his own responsibility in the management and maintenance of the family, a tendency to make provision for the future becomes completely extinguished and that I submit, must be one of the main impediment to the progress of the average Malayala Kammala family. Even though they are the best workmen in the State, even though they have tried to enhance the reputation of the State and have contributed much to the science of architecture and many branches of industry, which keeps up the prestige and prosperity of the State, we find in the generality of cases or in a vast majority of these artisans, that poverty reigns supreme. They are generally poor, improvident and extravagant. There is no feeling among the members of this community for earning and preservation. It is therefore right that their social condition should improve. In order that such a tendency may be brought in the mind of the members of the community marriages must be regularised.

In regard to the question of marriage, there is this difficulty. So far as the Malayala Kammalas are concerned, they have been more or less following the system of marriages obtaining amongst the class of people with whom they have been freely mingling. I mean the *Marumakkathayam* system of the Nairs and Ezhavas before the Nair and Ezhava Regulations came into force. But the other section of the community, that is the Pandi Kammalas are following the Mithakshara system of marriage. There divorce is unknown, polygamy is recognised and polyandry is not recognised. But here, among the Malayalam Kammalas, polygamy, polyandry and divorce, all these are present. Here the divorce is made free, but regularised. Would that be agreeable to the sense of the members of the Pandi Kammala community? There are several people here belonging to the Pandi Kammala sect whose marriage relationship is influenced from beyond the Ghats, where the Mithakshara law is being administered in all its purity and rigour. Will it be possible for them or the families of that community to agree to such a course? Those who have been looking forward to the husbands or to the families of husbands for their support, during the widowed life will not agree to it. I think the members of the Malayala Kammala community will very freely accept the provisions contained in this Bill. My submission is that so far as possible the operation of the Bill must

be confined to those for whom, it is designed. We should not press upon the members of the other community a legislation which they do not require and the provisions relating to marriage and divorce should not be thrust on those who follow pure Mithakshara system of marriage and inheritance.

In regard to other matters, the system of inheritance prevalent among the Malayala Kammalas is this. Sons and unmarried daughters inherit equally their father's property. If the daughter has been married away from the house without *Sthridhanam* she takes a share equal to that of the son. If the daughter had been married away from the house with *Sthridhanam*, then she loses all the rights over the property. This is the Mithakshara type of inheritance modified by custom. But on the other hand the rights of the Pandy Kammala daughters are determined by what is obtained in the Mithakshara system alone. It is clear, therefore that there is a sharp distinction in the marriage rights and system of inheritance in the two communities. This Bill is designed for the purpose of affording benefits or regularity in the system of marriage and inheritance so far as the Malayala Kammalas are concerned, who form the vast majority here, and that fact, I submit is conceded by both the mover and his opponents. As was pointed out by some other speakers, if there are members in the Pandi Kammala community who want to adopt the beneficient provisions of this Bill, provision should be made enabling them to accept the legislation that may be passed by this House We find similar provisions in the Ezhava Regulation. There was one section of the Ezhava community which evidently opposed individual partition. Provision was made to satisfy the demands of such people. Some such course might be adopted here, so that the community may be permitted to unite in law and to the extent to which they can. My humble submission is that some such arrangement should be made in the Bill instead of saying that this Bill must be thrown out. For myself, I am in full agreement with the principle contained in the Bill.

SRIMATI T. NARAYANI AMMA (*Nominated*): I have very great pleasure in supporting the principle of the Travancore Kammala Bill. As pointed out in the Statement of Objects and Reasons, the Kammalas form one of the important communities in the State. The laws relating to marriage, succession etc., obtaining among them being vague and unsettled, there has been a feeling among the members of the community, that as in the case of the other important communities, legislation should be introduced to modify and amend the personal laws of the community. This is only a reasonable demand which deserves to be heartily supported. There may possibly be differences of opinion with regard to the particular provisions of the Bill. But such defects can be cured during the Select Committee stage. We are now concerned mainly with the principle underlying the Bill, which, I for one, heartily support.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Sir, the broad principles underlying the Bill introduced by the honourable member Mr. Nilakantan are certainly acceptable and must be acceptable to

[Mr. Pacode A. Narayana Pillai.]

every honourable member of this House. Because, for one thing it discloses a desire on the part of a very large section of the community—I dare say Mr. Nilakantan must have a very large and influential following—for an enactment like the one now before the House. The community is anxious to have its law relating to marriage, succession, guardianship, testamentary disposition of property, adoption and such other matters, codified properly. To that extent, therefore, I accept the principle underlying the Bill.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*) : Does the member think that this Bill seeks to codify the law now obtaining in the community ?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I think the Kammala community really wants its custom and rules to be codified in the form of a legislative enactment.

MR. S. J. NAIR (*Nedumangad*) : Is it codification or simplification that is now attempted ? (*Laughter.*)

DEPUTY PRESIDENT : Please avoid such light questions.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : Sir, this is not the first time that we find this kind of desire on the part of important communities to codify the law governing them. I dare say the honourable members of this House are aware of the fact that even in regard to the Hindu Mitakshara Law, there was a movement in British India some years ago, led by eminent jurists like Sir H. S. Gour and and others, to codify Hindu Law. (Sir H. S. Gour has published a book called "Hindu Code" which is an authoritative text book and a book of reference for lawyers and judges.) Therefore, Sir, there is nothing new in the desire now evinced by the Kammala community in Travancore to have its law codified. That is another reason why I support the general principle underlying this Bill.

A good deal has been said about the distinction between the Malayalam speaking Kammalas and the Tamil speaking Kammalas. Sir, it is seen trom the Statement of Objects and Reasons of this Bill that both the Malayalam speaking Kammalas and the Tamil speaking Kamamlas in this State together constitute more than two lakhs of the population of Travancore. Therefore, in considering a piece of legislation which is to decide the fortunes of such an important community, we have to be very careful. Sir, language is not a safe text; so are the differences in the occupations pursued by particular individuals belonging to a community. In a social legislation like this, we should not be guided by linguistic or occupational differences. What we have to consider are the culture—I would call it *samskara*—, the customs and manners now obtaining in the different sects of the community, and the traditions of the community. There is the question of territoriality, which also has to be considered according to the theory of legislation. Sir, there is no use in our treating alike, for purposes of social legislation, all people who follow the same system of inheritance. If so, in Travancore, we should have had only one Regulation governing the Nairs,

the Ezhavas and the Vellalas, since all these three communities follow the *Marumakkathayam* system of inheritance. Separate Regulations have been enacted for each of these three communities, in spite of the similarity in the system of inheritance, on account of the difference between them in their culture, customs, manners and traditions.

Therefore, Sir, I should think that we would not be unwise in committing this Bill for the consideration of a competent Select Committee which will be empowered to take evidence, if necessary, in the different parts of the country. I refer to this aspect because I come from Vilavankod which is a taluk where you have both the Malayalam speaking and the Tamil speaking sections of the community. In Vilavankod I find some Kammalas with front tuft side by side with others with back tuft, some with the Malayalam style of dress side by side with others dressed like the Tamilians, some speaking Malayalam side by side with others speaking Tamil. I have heard one honourable member hailing from Nagercoil speaking much about the Visvakarmas of his place; and I have also heard other honourable members belonging to other parts of the country speaking about the Malayalam speaking Kammalas. But so far as my taluk is concernd, both these sections of the community have come there and settled down there.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Do they intermarry?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): They do not; I can say that from my own personal experience (*Continued laughter*). I am sorry: I meant personal knowledge, Sir. (*Laughter*.)

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know what is it that is in common between these two sections of the community?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): They are all artizans, and they follow similar occupations in spite of various differences in their customs and manners.

With these words, I commend the general principles underlying the Bill for the acceptance of the House.

MR. G. NILAKANTAN (*Nominated*): Sir, I am deeply gratified that my appeal to this House has been heard with willingness. Much has been said by the co-opted member as regards the ethnological origin of the Kammalas. But that is not relevant at all and therefore I do not propose to go into that matter.

Sir, the argument has been advanced that all those who follow *Makkathayam* should be treated as immigrants. We all know, Sir, that there are ever so many classes in Travancore who are *Makkathayees*. Still they are considered to be natives of this place and not foreigners come from outside. Sir, we have to face facts as they are. I have placed facts without any reserve whatsoever. Now, what are the facts? There is fundamental difference between Tamil Kammalas and Malayala Kammalas. There is difference in their culture. Even in the image that they make there is difference. In the fineness of their art there is difference. In the temples that they construct there is

[Mr. G. Nilakantan.]

difference. Even in the ornamentation of their works there is much difference. I do not want to discriminate between them on account of such differences. I only want to point out that the differences do exist and we cannot close our eyes against them. Sir, I have got 15 years of experience with Tamil Kammalas in South Travancore. In the pamphlet which has been published.........

DEPUTY PRESIDENT: Which is the pamphlet that the member is referring to?

MR. G. NILAKANTAN (*Nominated*): Sir, a pamphlet was circulated here.

DEPUTY PRESIDENT: So far as I could see, no pamphlet was circulated here in this House.

MR. G. NILAKANTAN (*Nominated*): I have got it, Sir.

DEPUTY PRESIDENT: The Secretary assures me that the Government did not circulate any such pamphlet as mentioned by the honourable member, and also that the Government did not permit the circulation of any such pamphlet. I therefore want to make it clear that any such stray publication which the member might have come across has nothing to do with this House.

MR. G. NILAKANTAN (*Nominated*): Sir, I have been charged with hatred towards the Tamil Kammalas.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Are we really concerned with these pamphlets and counter-pamphlets, Sir?

DEPUTY PRESIDENT: That was what I was saying.

MR. G. NILAKANTAN (*Nominated*): Sir, it is said, I am trying to drive a wedge between the two sections of the community. This is stupid. We are a major community and the Tamil Kammalas are very few in number. They can, if they like, merge into ours.

As regards the observation of my friend Mr. Karayalar, I am sorry that he began by hair-splitting differences in the use of words, and ended with such differences.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Does not language matter very much in legislation?

MR. G. NILAKANTAN (*Nominated*): The butler uses broken English and yet he conveys better sense.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Are butlers legislators?

DEPUTY PRESIDENT: The House is not legislating for butlers.

MR. G. NILAKANTAN (*Nominated*): I have framed the Bill for Malayala Kammalas. It may contain imperfections and it is left to the Select Committee to rectify such mistakes. I am not a lawyer. I only want the needs of the community to be satisfied by legislation.

Mr. Varughese stated that I have not made enquiries in the community about the necessity for the Bill. Sir, I have travelled from Parur to Cape Comorin. I have talked with the people and ascertained

their conditions and I can assure the House that there is no man better-fitted to deal with this matter than myself. (*Hear, hear.*) It is such a member of the community that has brought forward this Bill.

MR. N. VELU ACHARI (*Co-opted*): വിശ്വകർമ്മസമുദായത്തെ പ്രതിനിധീകരിക്കാൻ മിസ്റ്റർ നീലകണ്ഠനെപോലെ വേറെയും പല ബി.എ.ക്കാരുണ്ടെന്ന് മെമ്പർക്കറിയാമോ?

DEPUTY PRESIDENT: That question does not arise. Mr. Nilakantan merely wanted to assure the House of what he thought of himself.

MR. M. SIVATANU PILLAI (*Tovala*): One question, Sir. Is there not difference between the Visvakarma community and the Malayala Kammala community?

MR. G. NILAKANTAN (*Nominated*): What I am saying is that I am in a position to voice forth the views of the community.

MR. P. C. KURIYAN (*Kottayam I*): I rise to a point of order. Is the member in order in making certain references to himself while the Government have purposely nominated another member also to represent the community?

DEPUTY PRESIDENT: There is no substance in that point of order. Mr. Kuriyan would not have raised it if he listened to the observations of the Chair. The Chair said that Mr. Nilakantan told the House of what he thought of himself.

MR. G. NILAKANTAN (*Nominated*): Sir, that is so far as my credentials are concerned. Sir, there are graduates who do not know much about the customs and manners of the community. They are like children.

DEPUTY PRESIDENT: I suppose you do not make the remark about the members of this House.

MR. G. NILAKANTAN (*Nominated*): I am referring to graduates in my own community.

Sir, there are some people in the community who wish to reform it. They think that if they adopt the customs and manners of a particular class they can remove all the defects in the community. I shall give one instance. In Quilon a marriage was celebrated with all *vedic* rites in a particular house. After the ceremonies were over and before the feeding began there was some dispute as is usual between the bride's people and the bride-groom's people. And then the marriage was dissolved. On the next day another marriage was celebrated. What I say is that these rites have no binding force. Without the aid of law mere imitation of manners and customs of other people cannot profit the interests of the community.

MR. A. TANU PILLAI (*Trivandrum—Rural*): Has the member any objection to changes being effected in the Bill?

MR. G. NILAKANTAN (*Nominated*): I have no objection. There may be defects in the Clauses and these defects may be rectified by the Select Committee. I appeal to the House to pass this Bill.

DEPUTY PRESIDENT: The question before the House is that the principle of this Bill be accepted.

The motion was put to vote and carried.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I demand a poll as that will be useful in the further stages of the discussion.

A poll was taken with the following results: —

AYES—44.

1 Mr. N. Abdur Rahiman Sahib
2 ,, K. C. Abraham
3 ,, T. K. Alexander
4 ,, A. Achyutan
5 ,, V. T. Chacko
6 ,, A. S. Damodaran Asan
7 ,, Antony George
8 Miss Hepzibah Gnanasikamony
9 Mr. M. Mahomed Haneef
10 ,, S. J. Nair
11 ,, M. K. Janardana Kamath
12 ,, T. S. Jayantan Nambootiri
13 ,, N. John Joseph
14 ,, J. M. Joseph
15 ,, T. C. Joseph
16 ,, N. Kesava Panickar
17 ,, T. T. Kesavan Sastri
18 ,, K. M. Krishnan
19 ,, K. P. Krishna Menon
20 ,, Pottayil S. Krishna Panickar
21 ,, N. K. Krishna Pillai
22 ,, Puthupalli S. Krishna Pillai
23 Mr. T. Krishna Pillai
24 ,, K. Kunjukrishna Pillai
25 ,, E. K. Kunjuraman
26 ,, K. M. Kuriakose
27 ,, P. C. Kuriyan
28 ,, K. Madhavan
29 ,, M. K. Madhavan Pillai
30 ,, K. A. Narayana Pillai
31 ,, Pacode A. Narayana Pillai
32 Srimati T. Narayani Amma
33 Mr. G. Nilakantan
34 ,, K. Padmanabhan
35 ,, Edavanatt S. Padmanabha Menon
36 ,, Kainikkara M. Padmanabha Pillai
37 Rao Sahib S. Paramesvara Aiyar
38 Mr. V. Ramakrishna Panickar
39 ,, R. Sivaraman Nair
40 ,, M. Sivatanu Pillai
41 ,, A. Tanu Pillai
42 ,, S. Thiraviam Nadar
43 ,, P. K. Thomas
44 ,, T. P. Velayudhan Pillai

NOES—4.

1 Mr. K. R. Elenkath
2 ,, S. Nilakanta Pillai
3 Mr. S. Chattanatha Karayalar
4 ,, N. Velu Achari

NEUTRALS—13.

1 Mr. C. V. Chandrasekharan
2 ,, A. Easwara Pillai (Kalkulam II)
3 ,, K. George
4 ,, C. Kumara Das
5 Rao Bahadur Dr. N. Kunjan Pillai
6 Mr. K. Madhava Kurup
7 ,, C. O. Madhavan
8 Mr. K. Mahomed
9 ,, Kayalam Paramesvaran Pillai
10 ,, R. Pitchu Aiyangar
11 Rao Bahadur A. Rengasvami Aiyar
12 Mr. G. B. E. Truscott
13 ,, N. E. Varughese

The motion was carried.

The Secretary then read the title of the Bill as " The Travancore Kammala Bill."

MR. G. NILAKANTAN (*Nominated*): Sir, I move that the Travancore Kammala Bill be referred to a Select Committee consisting of the following members :—

1. Mr. T. K. Velu Pillai
2. ,, Kayalam Paramesvaran Pillai
3. ,, Changanachery K. Paramesvaran Pillai
4. ,, A. Thanu Pillai
5. ,, Puthupalli S. Krishna Pillai
6. ,, K. Kunjukrishna Pillai
7. ,, R. Sivaraman Nair
8. ,, N. Velu Achari
9. ,, N. K. Krishna Pillai
10. ,, T. P. Velayudhan Pillai
11. ,, M. Sivatanu Pillai
12. ,, M. K. Janardana Kamath
13. ,, S. Paramesvara Aiyar
14. ,, G. Nilakantan
15. Srimati T. Narayani Amma
16. Mr. K. M. Kuriakose and
17. ,, A. Achyuthan.

MR. M. SIVATANU PILLAI (*Tovala*): I second it.

MR. N. VELU ACHARI (*Co-opted*): മിസ്റ്റർ ചട്ടനാഥകരയാളരേയും മിസ്റ്റർ ഇലങ്കത്തിനേയുംകൂടി ഈ കമ്മിററിയിൽ ഉൾപ്പെടുത്തണമെന്ന ഞാൻ അഭിപ്രായപ്പെടുന്നു.

MR. G. NILAKANTAN (*Nominated*): I accept the names. The Committee will report within three months.

DEPUTY PRESIDENT: I believe the House agrees to that motion.

The motion by the leave of the House was carried.

RESOLUTIONS ON MATTERS OF PUBLIC INTEREST.

RESOLUTION *re* PONMUDI TO BE THE SUMMER QUARTERS OF GOVERNMENT.

DEPUTY PRESIDENT: We will now pass on to the next business, *viz.*, resolutions. The first resolution stands in the name of Mr. S. J. Nair.

MR. S. J. NAIR (*Nedumangad*): Sir, I move the following resolution:

"This Assembly recommends to the Government that Ponmudi be converted into a town and be made the summer quarters of Government."

Sir, Ponmudi is an important place in Travancore. It is one of the first and foremost sanatoriums in the State, and it is the nearest sanatorium to the Capital.

MR. P. C. KURIYAN (*Kottayam I*) : In which taluk is it located?

MR. S. J. NAIR (*Nedumangad*) : It is in the Nedumangad taluk.

DEPUTY PRESIDENT : There is nothing wrong in asking for information. But the location of Ponmudi is so well known that there is no necessity for such a question. Mr. Nair will proceed with the resolution.

MR. S. J. NAIR (*Nedumangad*) : Sir, the name Ponmudi is significant. It means 'golden crown'. That means that Ponmudi eclipses all sanatoriums in the State. It is about 38 miles nort-east of Trivandrum and is being connected with the capital by a usable and useful road. It is about three thousand feet above the sea level. It commands a good, extensive and beautiful view and enchanting sight.

MR. G. NILAKANTAN (*Nominated*) : Is it above fever level?

MR. S. J. NAIR (*Nedumangad*) : It is above fever, malaria and all other levels.

All around the heights of Ponmudi are tea and coffee estates. The tea grown there is considered as the best tea produced in Travancore.

MR. K. PADMANABHAN (*Chirayinkil I*) : May I know the estimated cost of converting Ponmudi into a town?

MR. S. J. NAIR (*Nedumangad*) : I will come to that.

There are two sanatoriums at Ponmudi. One is known as the upper sanatorium and the other the lower sanatorium. There is an ever-flowing and sparkling spring on the top of Ponmudi very near the upper sanatorium. This water can be collected and stored up in a tank or reservoir and made use of in the matter of water supply.

Sir, in the months of Dhanu, Makaram, Kumbham and Meenam it is not possible for officers who have got headquarters in Trivandrum to work very hard.

MR. MENATHERI N. KESAVA PANICKAR (*Nominated*) : May I ask who feels the necessity for a sanatorium, the Government or the people?

MR. S. J. NAIR (*Nedumangad*) : Sir, the people are making this demand on behalf of the Government, and the officers of the Government themselves desire it.

MR. P. C. KURIYAN (*Kottayam I*) : Has the member received any representation from any head of a department?

MR. S. J. NAIR (*Nedumangad*) : In the interests of efficient work the representatives of the people must see that officers are given proper convenience and opportunities to work very hard so that work may be speedily turned out.

MR. K. PADMANABHAN (*Chirayinkil I*) : Does the member propose that the Assembly also should meet there during the season?

MR. S. J. NAIR (*Nedumangad*) : Certainly. At least two sessions of the Assembly should be held there.

If Ponmudi is converted into a town and made the summer quarters of Government it will help the convenience and comfort of the people of Trivandrum in particular and of Travancore in general.

MR. K. PADMANABHAN (*Chirayinkil I*): Is it the member's view that the Government officers in Trivandrum are not working properly because of the climatic condition?

MR. S. J. NAIR (*Nedumangad*): They will work harder if they go there.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know whether there are any Government buildings at Ponmudi?

MR. S. J. NAIR (*Nedumangad*): Yes, there are two buildings.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): What is the present population?

MR. S. J. NAIR (*Nedumangad*): There is no population.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Is the member aware that there is a loud agitation in British India both in the provinces and in the centre against the move to hill stations?

MR. S. J. NAIR (*Nedumangad*): That is because the hill stations there are situate far away from the headquarters. But Ponmudi is only 38 miles away from the capital.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is it the member's view that Government officers are not doing satisfactory work during the summer season because the Government offices are located in Trivandrum?

DEPUTY PRESIDENT: He has already stated that they will do more satisfactory work. There is no necessity for repeating the question.

MR. S. J. NAIR (*Nedumangad*): There is an area of about 6 sq. miles lying waste at the top of Ponmudi peak. That may be divided into small plots or bits of 15 or 20 cents and people may be invited to purchase the land for building - sites according to a town planning scheme. In this way it will be easy to convert Ponmudi into a town.

MR. N. E. VARUGHESE (*Tiruvalla I*): May I know from the member the approximate cost of the scheme?

MR. S. J. NAIR (*Nedumangad*): It may not cost more than fifteen or twenty thousand rupees. The Government could realise a good sum by giving the land in registry. Out of that amount a town planning system could be worked out and additional Government buildings could be put up there.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know whether the member would advocate Ponmudi being converted into a town even if the summer headquarters of Government are not shifted to that place.

MR. S. J. NAIR (*Nedumangad*): Yes. But if the headquarters of Government are also located there it may attract a greater number of people and the place may command better convenience and it would develop into a town easily and speedily.

Sir, at the time of the former Dewans Mr. Raghaviah, Mr. Watts and Mr. V. S. Subrahmanya Aiyar, there was a proposal to convert Ponmudi into a town.

MR. K. R. ELENKATH (*Kalkulam I*): May I know the extent of level area that is available there?

MR. S. J. NAIR (*Nedumangad*): Level area is not necessary for a hill station. If the member had seen other hill stations he would not have asked that question.

MR. A. EASWARA PILLAI (*Kalkulam II*): May I know if any experts were consulted in the matter of converting Ponmudi into a town?

MR. S. J. NAIR (*Nedumangad*): I have brought this resolultion for the consideration of the Government so that they may appoint some experts to go into the question.

MR. K. R. ELENKATH (*Kalkulam I*): Is it the member's view that the Secretariat alone should be transferred there or also other head offices?

MR. S. J. NAIR (*Nedumangad*): That is left to the Government. My submission is that Ponmudi should be converted into a town and made the summer quarters of Government. If that is done, it would eclipse all other sanatoriums in South India and evoke jealousy even in those who go to Ooty; because, I know as a matter of fact that Ponmudi is an excellent sanatorium in South India. It is the queen of hill stations and the peak there is the crown, the golden crown.

MR. K. PADMANABHAN (*Chirayinkil I*): The member referred to former Dewans. May I know whether the former Dewans have taken any action in the matter?

MR. S. J. NAIR (*Nedumangad*): They told me in person when I met them there that they had the idea of converting it into a town. Hence, I move this resolution for the kind acceptance of the House.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): I second it.

DEPUTY PRESIDENT: I am constrained to say that in case a resolution is to be seconded those who want to do so must do it in time. But some delay has taken place. Mr. Ramakrishna Panickar has seconded it before I disposed of the question. I hold that the seconding is valid and proper. The resolution is open to discussion.

MR. M. SIVATANU PILLAI (*Tovala*): I oppose it.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings, and Irrigation*): It is rather a difficult proposition of Mr. S. J. Nair when he proposes that the Government's summer quarters should be at Ponmudi. But on behalf of the Government members and myself I convey our grateful thanks to Mr. S. J. Nair for his proposal. Personally we are all for it. We thank him for his solicitude on behalf of our health. But there is something which Mr. S. J. Nair has forgotten. He wants Ponmudi to be converted into a town. But every town has at least an industry. But there is nothing that I know at Ponmudi that would attract people for purposes of trade. Mr. S. J. Nair says that in Ponmudi there is plenty of tea. But the shop keepers cannot always be selling tea to each other They would rapidly get tired of it and there would be no profit in the transaction. Mr. Nair says that Ponmudi is above the fever level; but I very much doubt that.

MR. S. J. NAIR (*Nedumangad*): May I know whether there is any particular industry at Ooty?

DEPUTY PRESIDENT: We are dealing with Ponmudi.

MR. S. J. NAIR (*Nedumangad*): The honourable member has been saying that there must be some industry.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings, and Irrigation*): Yes, there are industries in Ootacamund and if the honourable member would go there he would see the industries to which I am referring. Mr. S. J. Nair said that there was a copious supply of water running down the hill opposite the sanatorium. That is not so. There is a small streamlet by which the lower sanitorium is supplied; but the only water that flows down the hill from the upper sanatorium is when there is rain. I may say that this is not a new question. It has been engaging the attention of Government for some years past and this file before me deals with a portion of it. But cost is the great thing. Buildings and houses will have to be built and an estimate of Rs. one lakh, which Mr. S. J. Nair mentioned, would not be sufficient for anything like an approach to the cost. I cannot understand why Mr. S. J. Nair has brought this proposal at the present time. The Government of Bombay has, I believe, stopped going to Mahabaleshwar during the summer months and the Government of Madras are considering the yearly move to Ootacamund. Delhi is raising some objection regarding the shifting of the headquarters to Simla and all these questions are for reasons of expense; for not only would the expense be incurred in building the town, but the considerable outlay that will have to be incurred each year in moving Government headquarters to Ponmudi. If only Mr. S. J. Nair would point out where funds could be obtained, the question could be considered; but unless and until it is done it is absolutely impossible for the Government to accept such a resolution. Therefore I would ask Mr. S. J. Nair to wait until a more favourable opportunity occurs to bring forward such a resolution.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Apart from the question of making Ponmudi the summer headquarters of the Government, is there any objection in Government developing suitable hill sanatoriums such as Ponmudi, Muthukuzhivayal, Pallivasal and such other places?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings, and Irrigation*): Now there are two buildings at Ponmudi and they are used at times. The difficulty is want of water. That can be got over. But the question of fund remains. If funds can be pointed out I am sure that Government would like to move there. Speaking on behalf of myself I should be delighted to make the move.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I wish to speak one or two words on the resolution. I would not have spoken anything on the subject if the Chief Engineer had not made such a statement as he made just now. It is accepted by the Chief Engineer that this question was before the Government from very early days and that it was

[Mr. K. M. Kuriakose.]

only the question of funds which prevented this question being carried out. Under such circumstances I want to make one suggestion. Ponmudi, as observed by Mr. S. J. Nair, is only at a short distance from Trivandrum. There has been a complaint that because the capital of the State is situated so far south, people from the northern taluks have been experiencing great hardships and difficulties. Now here is a suggestion for shifting, at least for sometime during the year, the capital to another health resort. At present there is a proposal before the Government to open a sanatorium somewhere near Pallivasal. Under such conditions I would make a suggestion whether it is not feasible to find a place somewhere near Pallivasal to remove the headquarters of Government during summer.

MR. K. R. ELENKATH (*Kalkulam I*): Sir, I rise to a point of order. The resolution relates to the shifting of the headquarters to Ponmudi. I want to know whether the member is in order in referring to Pallivasal being made the headquarters.

DEPUTY PRESIDENT: The member is quite in order.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): If at all Government think of shifting the headquarters from Trivandrun to any other place it must be to somewhere near Pallivassal.

MR. P. C. KURIYAN (*Kottayam I*): What is the height of Pallivasal?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I have not got any exact information. But there are suitable places at Pallivasal for a sanatorium, with very great facilities for that. As remarked by Mr. Truscott, Pallivasal is already a business area. There is the Munnar town and several estates close by. So I would earnestly request the Government to take into consideration this suggestion whether it is not feasible to have the headquarters somewhere near the northern extremity of the State preferably near Pallivasal or Munnar. With these words I oppose the resolution.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Since the resolution is moved and debated upon, I wish to say a word. It should not appear that the non-official members of the House advocate for the Government moving to the hills in summer as if it were a very important matter in the interests of the public. Whatever that be, I am positively against it whether it is Ponmudi, Muthukuzhivayal, Pallivasal or any other place. It is absolutely unnecessary that the Government should think of moving to anywhere. The officers of Government can very well remain in the planes and do their work and the country will not suffer for want of a shift of this kind to the hills. But there is the other question whether they advocate the opening up of the place and making it suitable as a health resort for people from other parts of the country That is a matter for consideration. There should be facilities for the people to go to the hills in summer if possible. Now we have very little convenience for that. If Ponmudi is converted into a sanatorium people can resort to that place. That would be a very welcome thing. But apart from that, I am positively against this resolution.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): I strongly object to the resolution brought forward by Mr. S. J. Nair. Sometime ago, during the time when Mr. Raghaviah was the Dewan of this State, the question of opening up Ponmudi and making it a sanatorium was taken into consideration. The idea, however, had to be given up for two reasons. The first consideration was that there would not be sufficient water. Another consideration was the actual funds that would be needed for making Ponmudi a sanatorium. Money would have to be found for laying out roads and for several other matters which the Government were not in a position to meet at that time. The economic situtation has considerably worsened since then, and even if it is possible for us to make money that money should be devoted to the solution of the problem of rural reconstruction which is facing us today. On that consideration it seems to me that it is not a practical proposition at present to go in for a new sanatorium at Ponmudi. As for converting it into the summer headquarters of the Government, it would never be thought of by this House at all unless and until the time comes when Ponmudi becomes a real golden peak so that people may convert it into gold. As for the pious wish expressed by Mr. Truscott, I may add that even if the Government come forward with a final proposition this House will strongly oppose it. In any case, I do not think that the proposal will be taken up to enable the Government to indulge in the extravagance, before Mr. Truscott retires from the State service,

MR. K. R. ELENKATH (*Kalkulam I*): Sir, I wish to speak a few words on the resolution. I am surprised that such a resolution should have been moved by a non-official member. It is absolutely not to the public interest to shift the headquarters from Trivandrum to Ponmudi during the summer season, nor would it in any way help the officials to discharge their duties more conveniently, and more efficiently. As far as local and climatic conditions of Trivandrum and Ponmudi are taken into consideration, I do not find that there is any need for advocating such a change. Sir, there is some reason for the Government of Madras and the Imperial Government at Delhi to shift their headquarters to Ootacamund and Simla respectively during the summer season. Here the climate is not so extreme as they obtain in those parts. Moreover, our Secretariat buildings are so situated that the officers who work there get the advantage of fine breeze during summer and we have no winter season here. Moreover there are a large number of Europeon officers in the Imperial and Provincial Secretariats and among the heads of departments. The very location of the Secretariat at Trivandrum is attractive, fine, and enviable.

RAO SAHIB MAHAKAVI S. PARAMESVRA AIYAR (*Nominated*): May I know whether even here the exodus to hills with regard to the Europeans is not due to the fact that they are not accustomed to our hot weather?

MR. K. R. ELENKATH (*Kalkulam I*): Quite so. Sir, our officers are accustomed well to the claimate that obtains at Trivandrum and they do not feel the dreariness of summer as others who are used to cool climates would feel.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : May I know whether Indians will not be able to do better work in cooler climates?

MR. K. R. ELENKATH (*Kalkulam I*) They may be, but not as much as the Europeans who may find it hard to work in summer. I hold that a change as is advocated by the resolution would in no way serve to improve the work of our officers.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*) : May I know whether even now the Government do not consider the proposition a very expensive one as there are only a handful of Europeans?

DEPUTY PRESIDENT : There is no need to make any distinction to be drawn between Europeans and Indians in this matter.

MR. K. R. ELENKATH (*Kalkulam I*) : If a particular officer finds it absolutely necessary to go over to a cooler place, even now he can do so and there is nothing that would stand in his way of shifting to a hill. Some years ago when Mr. Watts was the Dewan of Travancore he used to take important papers to the White House, at Ponmudi which was his frequent and favourite resort. So the officers, I mean, the Dewan and heads of departments who particularly require change of climate to do better work can very well do so even at present. With these words, I oppose the resolution.

MR. S. J. NAIR (*Nedumangad*) : Some of my friends opposed my resolution basing their arguments on the futility of my proposal. The honourable member Mr. Elenkath really surprised all the other non-official members who advocated such a proposition in this House. Well Sir, I am sorry to say that Mr. Elenkath has not got at least, the idea of the locality of Ponmudi. So far as those places which lie on either side of the road from Trivandrum to Ponmudi are concerned I can say, practically the people of Travancore have no idea of the places. There are vast areas, rich and fertile regions which lie idle there. If only a town is built at Ponmudi for the summer quarters of Government those places would attract the attention of the general public of Travancore. Then they will open their eyes as to the fertility of the soil and as to the possibility of developing agriculture by getting those lands registered in their names and cultivated. It is with that idea that I advocated this proposition.

MR. P. C. KURIYAN (*Kottayam I*) : Is it the member's idea that in order to improve a certain locality Government headquarters should be shifted over there?

MR. S. J. NAIR (*Nedumangad*) : It is not only to improve the locality but also to develop the agriculture of the State which is the main source of livelihood for the people of the State.

MR. M. SIVATANU PILLAI (*Tovala*): Cannot agriculture be developed without Ponmudi being made the headquarters of Government?

DEPUTY PRESIDENT : The honourable member says that it will be doubly useful.

MR. S. J. NAIR (*Nedumangad*) : Yes Sir, doubly useful and more useful. Sir, another point which was raised against this proposition is the question of water supply. Sir, there is a stream which runs right

down the peak over and above the existence of a spring on the top. This will solve the water problem. Sir, I can understand the answer given by the Chief Engineer that the question has been engaging the serious attention of Government and now the question is allowed to lie over on account of the financial stringency. That shows, Sir, that Government is anxious to go into the problem and solve it. In view of this answer given on behalf of the Government I do not press the motion.

DEPUTY PRESIDENT : Does the House agree to allow Mr. S. J. Nair to withdraw his motion?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : We object.

The question whether Mr. S. J. Nair could withdraw his motion was put to the vote of the House and lost.

The resolution was then put to the vote of the House and was lost.

CONTRACTS FOR GOVERNMENT WORKS. ✓

MR. S. J. NAIR (*Nedumangad*) : Sir, I beg to move the following resolution :

"*This Assembly recommends to the Government that, wherever possible, Travancoreans be engaged for working Government contracts under the P. W. D. and other departments.*"

Well, Sir, in point of education, ability, merit, capacity and experience in all branches of life Travancoreans stand second to none. There are able contractors, experienced contractors and monied contractors in Travancore who can do any sort of work that is given to them. But we find in the P. W. D. that an enormous amount of money is expended on original works as well as on other items of works in the State. But big works and paying works are being given to outside contractors, that is, some sort of preference is shown to outsiders in the matter of giving contracts. Even though a local contractor would quote the lowest in the tender, an outsider is preferred invariably. Generally, the work executed by outsiders is far below the average in the matter of quality than that executed by a native. Sir, I can point out instances of this. The work in connection with the Jagathy bridge at Trivandrum was given to an European contractor in spite of the fact that there were several Travancoreans prepared to take it up for lower amounts. Sir, it is just a small bridge over a small river ; and it took about 3 years for completion. On a former occasion to a question put by me to the Chief Engineer, P. W. D., in connection with this, he answered that the Jagathy bridge was completed. But unfortunately even now the road is closed and the work either for the bridge or for the road on both ends of the bridge is still going on.

MR. K M KRISHNAN (*Ambalapuzha II*) : Is it not due to the fault of the Water Works Department?

MR. S. J. NAIR (*Nedumangad*) : It may be due to the fault of either Department. But the road is closed. On the other hand, a contract to build a bridge across the Vamanapuram river was given to a Travancore contractor. It was constructed in 5 months' time ; and the Chief Engineer told me that in the history of the Public Works Department that bridge stood first in the matter of speedy and beautiful execution.

DEPUTY PRESIDENT : I wish to say that advertisement of a particular individual before this House is not permitted.

MR. S. J. NAIR (*Nedumangad*) : I never mentioned any individual Sir. I only made mention of an instance to show the superior ability of our contractors and not to differentiate the local contractors one from another. That is not my idea, Sir. Again, Sir, I might say that much money is being expended and if the contracts are given to Travancoreans when there are able and experienced contractors in our country it will be beneficial to the interests of the State and its subjects. In this connection I may also say that in the Forest Department — —

DEPUTY PRESIDENT : I am not prepared to allow that. That is not relevant to the discussion.

MR. S. J. NAIR (*Nedumangad*) : Sir, my resolution reads : " Travancoreans be engaged for working Government contracts under the P. W. D. and other departments ".

DEPUTY PRESIDENT : All right, you can refer to other departments but not in detail

MR. S. J. NAIR (*Nedumangad*) : Sir, in the Forest Deyartment also for felling and selling timber, contracts are being given to outsiders, and much money is being made by outsiders from this. This is done in spite of the fact that many Travancoreans have submitted tenders quoting the lowest rates. Sir, I know at the time these tenders were opened the department purposely refused to accept the tenders so far as Travancoreans are concerned. Many persons from outside come to our country and make plenty of money due to the favour shown to them by the Head of the Forest Department Sir, I say that is a sort of injustice so far as the interests of Travancoreans are concerned.

Travancoreans know well that these timbers if given to them on contract can be removed and sold in the proper market. But purposely, the head of the department refuses to accept their tender. He has got some petty prejudice towards the Travancore contractors and he purposely extends his unjust patronage to outside contractors.

With regard to the Excise Department, there are contracts for tobacco, salt, opium, ganja and other articles. In this department I would request Government to see that the contracts for tobacco, opium and other foreign articles are given to Travancoreans.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*) : Are private contracts engaged for these things ?

MR. S. J. NAIR (*Nedumangad*) : My point is that all the ariticles for which contract is given, should be taken from Travancore contractors. It would be conducive to the interests of Travancore, to the progress of various industries here, to the good of the people and to the saving of a large sum of money in Travancore, if the contracts in all these departments are given to the Travancore contractors alone. This ought to be the practice, wherever Travancore contractors are coming forward. With these few words I move this resolution for the kind acceptance of this House.

DEPUTY PRESIDENT: Anybody seconding?

MR. K.R.ELENKATH (*Kalkulam I*). In seconding the resolution, I beg to state that wherever possible it is absolutely necessary that Travancoreans should be preferred. There has been a tendency in recent times to give small contracts to outsiders even though the tenders given by Travancoreans are below that given by other contractors. In all cases Government should as far as possible prefer Travancoreans. But wherever technical knowledge may be required, where there will not be technicians from Travancore to look after a particular work and where big investments may be necessary, in such cases, Government may give the contract to some outsider.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I have very great pleasure in supporting the resolution so ably moved by the honourable member Mr. S. J. Nair. I hope there will be no difficulty on the part of Government also to accept the principle underlying this resolution. Sir, recently our Government have issued a communique, regarding the stores purchases, and that goes to show that, as far as possible, Travancore goods should be given preference. Sir, it is the same principle that underlies Mr. S. J. Nair's resolution. It is a question of economics and finance also, and thereby we are only encouraging our own businessmen. Of course, there will be very little of our money flowing out and to that extent the possibility of impoverishing the country is also avoided. These are the important factors involved in this question. So, Sir, I support the resolution.

DEPUTY PRESIDENT: The Government member..........................

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir,...........

DEPUTY PRESIDENT: I have already invited the Government member.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): No, Sir, let him speak.

DEPUTY PRESIDENT: Yes. I called upon the Government member and he does not want to speak now. Therefore I evade.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): If it is left to the will and pleasure of the speaker...... ....

DEPUTY PRESIDENT: It is not a matter of will and pleasure, but it is a matter of convenience. I take an indulgent view and permitted him to speak after.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): It is a long time since this cry was made that all contracts must as far as possible be given to Travancoreans. I am not concerned with that wide question. What I am concerned with is to bring to the notice of Government the great injustice that has been done as a result of an order by the Chief Engineer and probably by some of the Executive Engineers. Sir, the manufacture of tiles is an industry which is now being carried on, on a large scale by a large number of Travancoreans. Enormous capital has been invested in the establishment and working of the tile factories. At Quilon, the manufacture of tile is a very important industry. For a very long time, Messrs. Harrisons and Crosfield were preserving the monopoly of this industry. Anybody might

[Mr. Puthupalli S. Krishna Pilla.]

try and enter the field of competition and he who is able to produce the best tiles will be able to command the market. At the same time the State owes a duty to the small capitalists who are trying in the best manner possible to bring up this industry.

Let us see what the P. W. Department has done. In the year 1111, I remember to have read a notice in which it is stated that there are four recognised tile manufacturers from where tiles may be purchased by P. W. D. contractors. It was also stated in the notification that Government themselves would purchase only from any one of those four manufacturers, whenever any purchase had to be made. Sir, if you take into consideration the enourmous sum of money spent every year by the P W. D. in the construction of buildings, you will find that a pretty good portion of it goes for the purchase of tiles. If there were four tile manufacturers in the year 1111, whose tiles were recognised as of proper quality which could be gone in for by Government, I do not understand why in 1112 three companies have gone out? In 1112, Government have recognised only one make of tile and that is the product of Messrs Harrisons and Crosfield. What is it that induced the Chief Engineer to decry all tiles manufactured in the other companies? If I put the question straight to him, he will say that they are all bad tiles.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads Buildings and Irrigation*): Yes.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): If they are not of the same quality as the tiles of the three manufacturers recognised in 1111, I can accept my statement to be incorrect. But I can produce documents before Government showing that for the purpose of unnecessarily decrying, unnecessarily putting down native industry, they have stated, "your tiles are not good. We are getting tiles of a better quality." Seeing as a matter of fact, that one type is not better than the other I submit that this is thoroughly unjustifiable. Why should Government money go into the pockets of only one concern? Are our tiles worse than the tiles manufactured by European Companies. No. Our tiles are as much in demand as the H. & C. tiles. Tile to tile they are of equal if not of better quality. Anyway it was so in 1111. What has happened to the mud that Thomas Stephen and Company, or the A. D. S. Company or the Alwaye Company has been using? What is wrong with the clay that was purchased by them? Has anything gone wrong with the pug mill or with the grinding machine? What is it that has gone wrong in the year 1112? Why do Government now say that they want tiles manufactured by Harrisons and Crosfield alone. Thousands of tiles manufactured by our manufacturing concerns are being used for the construction of Government buildings by the Maramath Department.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Are private individuals preferring Harrisons and Crosfield tiles?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): It depends upon individual convenience. Anyway there is no preference.

I am speaking about the purchase of tiles by Government. I understand that it was ordered and published that all tiles supplied to the Public Works Department either by contractors or by Government, would be tiles belonging to Messrs Harrisons and Crosfield. In the notification it is stated that no other tile would be accepted.

MR. S. J. NAIR (*Nedumangad*): May I know whether the member is aware that the tiles we get from Harrisons and Crosfield for Rs. 40 is the same in quality as that which we get from other companies for Rs. 25 or 30?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Certainly. I know the Government themselves, in 1110, were ordering these tiles and were satisfied that their quality was good enough. I cannot understand how the quality could have deteriorated now. I can understand the Chief Engineer giving an opportunity to every firm in the country, and then choosing the cheapest one consistent with quality.

MR. S. J. NAIR (*Nedumangad*): Is the honourable member aware that not only in the matter of tiles, but in the matter of even surki, the monopoly has been given to Messrs. Harrisons and Crosfield?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Yes.

DEPUTY PRESIDENT: Mr S. J. Nair is supplying information and not asking for it.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I did not want to go into . etails; that was why I did not advert to the facts now referred to by Mr. S. J. Nair.

Further, Sir, while the Chief Engineer has ordered that for all Government buildings only the articles manufactured by Messrs. Harrisons and Crosfield can be used, the Maramat Engineer is buying tiles and other materials from Indian manufacturers. He seems to be satisfied with their quality. One cannot understand how materials which are considered quite good by one officer of the Engineering Department are not considered to be good enough by another officer of the same department.

MR. S. J. NAIR (*Nedumangad*): Is it not the Maramat Engineer that is in charge of the construction of even the Palaces?

MR. PUTHUPLLI S. KRISHNA PILLAI (*Quilon II*): Yes. Sir, there seems to be something behind all these. I admit that it may not always be possible for the Government to look into these details. The Chief Engineer is expected to treat all people alike and to bear in mind that local industry deserves as much encouragement as industries carried on by anybody else. With these words, I support the resolution.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I should like to reply Mr. Puthupalli Krishna Pillai exactly as he concluded, namely, that the Chief Engineer has always been and *is* treating all people alike in the matter of tiles as in every other matter.

[Mr. G. B. E. Truscott.]

In regard to the question of tiles, over which the honourable member got hot, quotations were asked for this year as was done last year; and the firm that tendered the lowest quotation was asked to supply tiles during the year. There is no idea of any preference at all. That is the answer I have to give to Mr. Puthupalli Krishna Pillai.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Was it not clear to the Chief Engineer that Messrs. Harrisons and Crosfield had quoted an unduly low rate this year to shut out competition for all time to come?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I do not know that, and I am not concerned with that. As the head of the Department, it is my duty to get for the Government the best material for the cheapest price; and I have got it. I invited quotations, and gave the order to the firm that quoted lowest, consistent with quality. I do not see why because that firm happened to be Messrs. Harrisons and Crosfield, because it happened to bear a foreign name, because it happened to be a European firm working in Quilon and employing Travancore labour, I should boycott it.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Was it not possible to distribute the order to the various factories that manufacture tile? Even if Messrs. Harrisons and Crosfield or some other firm had given him the lowest tender, he could have again consulted the other firms and negotiated with them for still lower rates, as he has done in other contracts.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): That is not my idea of contract. I do not think I am here to go bargaining with the various firms that send me quotations.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Were tenders called for for 1111?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Yes.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Am I to understand that this year, in respect of all kinds of tiles, Messrs. Harrisons and Crosfields have quoted lowest?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): They did quote lowest. All the tenders that I have received are open to examination by everyone of the honourable members of this House. But Sir, to say that I have to go round, to every one who has furnished me with a tender, and to bargain with them is an idea which is against my ideas of transacting business, or even of fairplay.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Did the Chief Engineer for a moment consider the question why Messrs. Harrisons and Crosfield, who have been, for forty years, consistently quoting by far the highest rates, have now quoted the lowest rates?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : Why they have done so is not the concern of the Chief Engineer. His only concern is that the Government must get the best article at the cheapest rate. I hope the House will bear me out in that.

Are there any more questions, Sir.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : I submit Sir, that the member should not invite questions like that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I would like to ask a question, Sir. Are not Travancore raw material and Travancore labour used in the manufacture of Harrisons and Crosfield tiles?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : They are.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : May I ask whether Travancore capital has gone in for the industry?

DEPUTY PRESIDENT : That question does not arise since the resolution speaks only of Travancoreans and not of Travancore capital.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): As regards contracts, Sir, wherever possible contracts *are* given only to Travancoreans. That is the policy of the department; and it has always been the policy. The few cases where contracts were given to outsiders were those where it was impossible or impracticable for any of the local contractors to carry out the work by reason of their not being used to such work, work which requires special technical knowledge and special experience.

MR. S. J. NAIR (*Nedumangad*) : Is the Chief Engineer aware that, in the P. W. D. Workshop, the contract for the supply of plumbago powder was given to a foreigner although there were lower tenders from local contractors?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : That has been the subject-matter of an interpellation, and has been answered fully.

Regarding the Jagadi Bridge, the mover of the resolution said that it was started years ago and has not been finished yet. The bridge was completed about the middle of last June. The work now going on there has nothing whatsoever to do with the P. W. D. or with the contractors for the building of the bridge.

MR. S. J. NAIR (*Nedumangad*) : Is the road now open for vehicle traffic?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings, and Irrigation*) : I said nothing about the road. The mover of the resolution was talking about the Jagadi Bridge and said that, although the contract was given to an outside firm the work had not been completed yet; I say the work was completed and the bridge tested last June. The work now being carried on there has nothing whatsoever to do with the P. W. D.; it is the Water Works Department that is doing it.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Is the construction of the road on either side of the bridge, which I find is the work now being carried on there, being carried on by the Water Works Department or by the Engineering Department?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): The Water Works Department have to lay the pipes before the road construction is taken up.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Is that the explanation why the contract was given to an outsider?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): There is no contractor in Travancore yet who has had any experience in moulding and driving reinforced concrete piles. That is the only reason why the contract was given to an outsider. Now, actually, I am having a pile-driver made in the Workshop and there is an experienced, and qualified Supervisor who has been doing nothing else for some time past but to watch the moulding and the driving of concrete piles, so that, shortly, it is hoped that we ourselves will do such kind of work, and would not have to go in for outside contractors. I may mention that there is a contract which was given to a local contractor. I am not going to mention his name or the name of the work, in which very little progrees has been made although it is now many months since the contract was given. I may also say, Sir, that if you take into account the P. W. D. contracts on the whole, the proportion that goes to the outsider is really very very small. Government and the Department prefer insiders; and the nature of the works in Travancore makes that the only method practicable and convenient. I would like to point out that the construction of the Council Chamber—a big work in recent years—has been entrusted to a local contractor.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Am I to understand that, whenever reinforced concrete piles have to be driven, foreigners will have to be engaged?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I was explaining a few minutes ago that I now have a Pile Driver, in the Workshop, and a qualified Supervisor doing nothing else but watching and studying that work, so that, hereafter, we would be able to do the work ourselves.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Do the Government accept the policy that, other things being equal, Travancoreans will be preferred in the matter of contracts?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): That *is* the policy of the Department.

MR. N. E. VARUGHESE (*Tiruvalla I*): May I know whether cheapness alone will weigh with the Government in these matters?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Consistent with quality.

MR. C. O. MADHAVAN (*Excise Commissioner*) I wish to add a few words.

DEPUTY PRESIDENT: Before that, I want to clear the position. One honourable member referred to the purchase of tiles from Messrs. Harrisons & Crosfield, and the Chief Engineer said, in the course of his reply, that he could not be expected to accord an unfair treatment to

that firm alone because they happened to be Europeans. The resolution says that in the matter of P. W. D. and other contracts Travancoreans should be preferred to outsiders; and the mover of the resolution referred to other departments also. There is therefore absolutely no question of European *vs.* Indian. I want to remove that misapprehension.

MR. C. O. MADHAVAN (*Excise Commissioner*): Sir, the mover of the resolution referred to the Excise Department as one of the departments falling within the ambit of the resolution. He referred to the contracts for the supply of tobacco, opium and ganja. As Mr. Paramesvara Aiyar stated, no contract is given by Government for the supply of tobacco, opium and ganja. Therefore my department cannot do anything in the matter.

But I may mention for the information of the member that there are some other contracts such as the transport of salt, the contract for the distillation and supply of arrack and the contract for the supply of articles of uniform. These are the only contracts given by the Excise Department and I may say that in respect of these contracts very few Travancoreans are coming forward. For the transport of salt, during all the five years that I have been the head of the department, only one Travancorean submitted a tender. His rates were accepted. Wherever possible, without detriment to Government interests, we are accepting the tenders of Travancoreans. More than that it is not possible to do. In regard to the supply of uniform articles some minor articles alone are being tendered for by Travancoreans. In respect of the manufacture and supply of arrack from our distilleries no tender has been submitted by any Travancorean so far.

That is all that my department can do. I may assure the House, that so far as the Excise Department is concerned it has been trying all along to encourage Travancoreans.

MR. S. J. NAIR (*Nedumangad*): May I know whether the tender for the supply of coco-brandy was advertised?

MR. C. O. MADHAVAN (*Excise Commissioner*): All tenders are advertised in the *Gazette* as well as in the daily papers in Travancore and outside.

DEPUTY PRESIDENT: It is almost time and if the mover is pressing the resolution I have to put it to the vote of the House.

MR. S. J. NAIR (*Nedumangad*): Sir, my idea in bringing forward this resolution......

DEPUTY PRESIDENT: Are you pressing it?

MR. S. J. NAIR (*Nedumangad*): I may be allowed to explain my position, Sir.

DEPUTY PRESIDENT: The time has already expired. Are you pressing it to a division?

MR. S. J. NAIR (*Nedumangad*): Yes, Sir.

The resolution was put to the vote of the House and carried.

The Assembly adjourned at 5. 5. P. M. *sine die.*

P. PARAMESVARAN PILLAI,
Secretary to the Sri Mulam Assembly.

PROCEEDINGS
of
THE TRAVANCORE SRI MULAM ASSEMBLY.

(OFFICIAL REPORT.)

FIRST ASSEMBLY.

NINTH SESSION.

Tuesday, the 23rd February 1937/12th Kumbham 1112.

The Assembly met at Eleven-five of the Clock, in the Victoria Jubilee Town Hall, the President presiding.

NEW MEMBERS SWORN IN.

The following official members took the oath and signed the Rolls.

1. Mr. C. V. Chandrasekharan.
2. Mr. K. George.
3. Dr. M. K. Gopala Pillai.
4. Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai.
5. Mr. K. Madhava Kurup.
6. Mr. C. O. Madhavan.
7. Mr. Kayalam Paramesvaran Pillai.
8. Mr. R. Pitchu Aiyangar.
9. Rao Bahadur A. Rengasvami Aiyar.
10. Mr. James Simpson.

QUESTIONS AND ANSWERS.

Ladies belonging to the Veluthedathu Nair Community.

268. *MR. K. M. KURIAKOSE (*Muvattupuzha II*): Will the Government be pleased to state:

(a) the number of acting female hands who have passed the Vernacular Higher Examination in the Education Department from among the Veluthedathu Nair Community;

(b) the period of their service; and

(c) whether there are permanent hands from the same community in the department (female section)?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*):

(a) 3.

(b) (1) 1 year and 9 months.

(2) 10 months and 20 days.

(3) 3 years, 8 months and 26 days.

(c) Yes.

G. P. T. 2525, 350.

MR. K. R. ELENKATH (*Kalkulam I*): With reference to the answer to part (c) of the question, may I know the number of hands so far entertained?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): One.

Grant to the Muslim Associations.

269. ***MR. N. ABDUR RAHIMAN SAHIB** (*Nominated*): Will the Government be pleased to state:

(a) the grant allowed to the Muslim associations in Trivandrum for carrying on propaganda work and helping Muslim girls in their education during 1111;

(b) whether the amount was disbursed, and

(c) if so, when and on what basis?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*):

(a) Rs. 60.

(b) Yes.

(c) The grant was disbursed during the period from 20-3-1112 to 26-3-1112. The award of grant was based upon the number of girls admitted and the funds available for the purpose.

Thatched and dilapidated sheds in the Trivandrum District Court.

270. ***MR. N. ABDUR RAHIMAN SAHIB** (*Nominated*): Will the Government be pleased to state whether there is any proposal to remove the thatched and dilapidated sheds from the Trivandrum District Court premises?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No; nor are the thatched sheds dilapidated.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): May I know whether the thatched sheds are airy, ventilated and free from cracks?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I believe there is sufficient ventilation; but I cannot say whether the sheds are free from cracks.

Grant-in-aid V. P. School in Nooranad.

271. ***MR. A. S. DAMODARAN ASAN** (*Mavelikara*): Will the Government be pleased to state:

(a) whether sanction has been given for opening B Division in Class I in Kutirakettumthadam grant-in-aid V. P. School in Nooranad in Mavelikara taluk; and

(b) the date on which this B Division was opened with the necessary sanction and whether any grant-in-aid has been given for that class till now?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*):

(a) Yes.

(b) 13-1-1111 M. E. No grant has been sanctioned to this division till now.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : With reference to the answer to part (*b*) of the question, may I know why no grant has been sanctioned to this division till now?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): Want of funds.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : May I know whether there are many other cases in which the grant sanctioned has not been given for want of funds?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I do not believe there are many cases.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether any principle is adopted in the distribution and withholding of grants?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): Yes, Sir. With regard to new classes and new divisions, the award of grants is exceedingly unlikely owing to financial stringency.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : May I know whether grant has not been given to any class opened subsequent to 13-1-1111?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I claim notice.

Posting of cases in Courts on Fridays.

272. ***MR. N. ABDUR RAHIMAN SAHIB** (*Nominated*) : Will the Goverment be pleased to state:

(*a*) whether the circular or rule "that cases in which Muslims appear as parties or witnesses should not be posted on Fridays" is followed or enforced in any court in the State;

(*b*) whether the courts see that their cases are taken after 2 P. M. only; and

(*c*) whether this privilege is extended to Muslim vakils also?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) and (*b*) There is no such circular or rule. The circular in force is to the effect that Mahomedan parties and witnesses concerned in cases before the courts are exempted from appearance till 2 P. M. on Fridays.

(*c*) Yes, whenever required.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*) ; May I know whether exemptions are granted only on applications by parties and witnesses?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : I know that they are exempted from appearance till 2 P. M. on Fridays. It may be on their application or not.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Is the honourable member aware of cases being dismissed for default, due to the parties' failure to appear on Fridays?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir.

Kadakkarapally-Thankey Church road.

273. ***MR. EDAVANATT S. PADMANABHA MENON** (*Shertala I*): Will the Government be pleased to state:

(*a*) whether the major portion of the lands necessary for the Kadakkarapally-Thankey Church road have been surrendered by the people;

(*b*) whether they are aware that the cost of acquiring lands of recalcitrant owners has been deposited by the Road Committee in the Shertala Taluk Cutcherry; and

(*c*) whether land acquisition proceedings have been started?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

(*a*) The people concerned have agreed to surrender free of cost the major portion of the lands required for the work.

(*b*) The probable amount of compensation including 15 per cent solatium awardable under the rules to the recalcitrant owners, *viz.* Rs. 223-14-6, has been remitted into the Shertala Sub-Treasury and placed under Revenue Deposit on 27-2-1112.

(*c*) As no agreement has been obtained from the parties consenting to the recovery from them, under the Revenue Recovery Regulation, of any excess amount that may be required to be paid to the recalcitrant land-owners as per the awards of the Land Acquisition Officer or as per decisions of civil courts on references against such awards, the Division Peishkar, Kottayam, has been asked to arrange for such an agreement being taken from the parties concerned. On receipt of the above agreement, necessary action will be taken by Government in the matter.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know from the Government whether the Land Revenue Department has taken possession of the lands already surrendered by the people?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I am unable to say whether the department has taken possession of the lands in question.

Cattle pound in Friday Market.

274. ***MR. A. EASWARA PILLAI** (*Kalkulam II*): Will the Government be pleased to state:

(*a*) whether in 1107 the ryots of Kadiyapatanam *pakuthi* prayed for a cattle pound at Friday Market near the Pakuthi Cutcherry;

(*b*) whether sanction was accorded and communicated to the party concerned;

(*c*) whether the party has built a suitable enclosure for the same; and

(*d*) whether they have enquired into the matter?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

(*a*) and (*b*) Yes.

(*c*) No.

(*d*) Yes.

MR. A. EASWARA PILLAI (*Kalkulam II*): May I know with reference to the answer to part (*b*) of the question, when the sanction was given?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): The date of the sanction is not now available.

MR. A. EASWARA PILLAI (*Kalkulam II*): May I know when the sanction was communicated?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I claim notice.

MR. A. EASWARA PILLAI (*Kalkulam II*): With reference to the answer to part (*d*) of the question may I know who made the enquiry?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): The report is from the District Magistrate. The enquiry must have been made by the Tahsildar.

MR. A. EASWARA PILLAI (*Kalkulam II*): May I know the result of the enquiry?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): The gentleman who offered to put up an enclosure for the cattle pound was not prepared to accept the remuneration of Rs. 5.

MR. A. EASWARA PILLAI (*Kalkulam II*): May I know whether the party was asked as to whether he would accept a remuneration of Rs. 5?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Why should he be asked? He said he was not prepared.

MR. A. EASWARA PILLAI (*Kalkulam II*): Without asking the party concerned how did the Government decide that he was not agreeable to run the pound on a remuneration of Rs. 5?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): He must have been asked at the beginning when the matter was sanctioned. Afterwards he was not prepared to run the pound for a remuneration of Rs. 5.

MR. K. R. ELENKATH (*Kalkulam I*): At the time when the party was asked to put up the building, was this remuneration suggested to him?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): There is a published rule to the effect that only Rs. 5 will be granted as remuneration for a pound-keeper.

MR. K. R. ELENKATH (*Kalkulam I*): Then may I know what does the member mean by the answer "No" with reference to part (*c*), of the question?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): All that it says is that the party did not put up a suitable enclosure for a cattle pound. That only shows his unwillingness.

MR. K. R. ELENKATH (*Kalkulam I*): It is stated by the Government member that the party has not put up a building as was originally agreed to by him; and the Government are not prepared to say when

they communicated to the party about the putting up of the building. I am unable to reconcile these statements.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): The position is this. One Mr. Nilakanta Pillai who had undertaken to put up the building was not prepared at a later stage, to accept the appointment of pound keeper on a remuneration of half the collection of the receipts of the pound subject to a maximum of Rs. 5.

Appointment of teachers from outside the waiting list.

275. *MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): Will the Government be pleased to state:

(*a*) whether the Director of Public Instruction has appointed any person as teacher in the Vernacular section of the department from outside the waiting list during the year 1111;

(*b*) if so, their names and qualifications;

(*c*) whether the Director of Public Instruction had obtained the necessary sanction from the Government, and, if so, the number and date of the G. O.; and

(*d*) the circumstances that necessitated such appointment?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*):

(*a*) Yes.

(*b*) A * statement furnishing the information is placed on the table.

(*c*) 1st part Yes.

2nd part. A *statement furnishing the information is placed on the table.

(*d*) To provide some representation to inadequately represented communities or in recognition of high academic qualifications.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): With reference to the answer to part (*b*) of the question, may I know to which community Srimati P. Madhavikutty Amma and P. C. Karthiyayani belong?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): P. C. Karthiyayani is persumably an Ezhava lady, and the other, I believe, is a Kammala lady.

MR. K. R. ELENKATH (*Kalkulam I*): Out of the 10 appointments, may I know how many were made for the reason that the persons belonged to the depressed classes?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): That could be easily gathered from the statement furnished. The qualifications are given in the second column and the names in the first. P. Balakrishna Sarma was obviously appointed for his high academic qualifications whereas Messrs. Mahomed Abdul Khadir Itty and Thomas were appointed because of their community.

MR. K. R. ELENKATH (*Kalkulam I*): May I know from the member whether the two persons, referred to just a while ago, were alone ap-

* *Vide* Appendix I page.

pointed on the ground that they belonged to the depressed classes, and the others on account of their higher qualifications?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I only mentioned them as instances. For example, Mr. Subramonyan Asari was appointed on account of the backwardness of his community and for his high qualification.

Original suits pending disposal in the Munsiffs' Courts.

276. *MR. S. NILAKANTA PILLAI (*Chirayinkil II*): Will the Government be pleased to lay on the table a statement showing the number of original suits pending disposal in the Munsiffs' Courts referred to below on 15-8-1111.

(i) The Temporary Munsiff's Court, Trivandrum;
(ii) Munsiff's Court, Tiruvalla;
(iii) The Principal Munsiff's Court, Attingal;
(iv) The Additional Munsiff's Court, Attingal;
(v) Munsiff's Court, Nedumangad; and
(vi) Munsiff's Court, Neyyattinkara?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The required † statement is laid on the table.

Original suits, small cause suits etc., in Civil Courts.

277. *MR. S. NILAKANTA PILLAI (*Chirayinkil II*): Will the Government be pleased to lay on the table a statement showing separately the number of original suits, small cause suits, applications for execution of decrees and civil miscellaneous petitions on the files of the following courts on 18-3-1112:—

(i) The Principal Munsiff's Court, Tiruvalla;
(ii) Temporary Munsiff's Court, Tiruvalla;
(iii) Principal Munsiff's Court, Vaikam;
(iv) Temporary Munsiff's Court, Vaikam;
(v) Munsiff's Court, Attingal;
(vi) Principal Munsiff's Court, Neyyattinkara;
(vii) Additional Munsiff's Court, Neyyattinkara; and
(viii) Munsiff's Court, Nedumangad?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): A *statement furnishing the information required is laid on the table.

Improvement of irrigation tanks in the Chirayinkil taluk.

278. *MR. S. NILAKANTA PILLAI (*Chirayinkil II*): Will the Government be pleased to state:

(*a*) whether the Irrigation Engineer has received last year or this year (1111) any representation, from the inhabitants of Kizhavalam *pakuthi* in the Chirayinkil taluk, regarding the improvement of irrigation tanks; and

† *Vide* Appendix II page.
* *Vide* Appendix III page.

(b) if the answer to part (a) is in the affirmative, the action taken in the matter?

MR. K MADHAVA KURUP (*Ag. Secretary to Government*): (a) Yes.

(b) An investigation has been conducted and the estimates for two tanks, which alone are worth improving, are under preparation.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know the number of tanks that required improvement, as per the representation from the inhabitants of Kizhavalam *pakuthi* in the Chirayinkil taluk?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): There are thirty irrigation tanks in the *pakuthi.*

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know why of these 30 only 2 are considered worthy of improvement?

MR. K. MADHAVA KURUP (*Secretary to Government*): The others are small tanks covering an area of about 6 to 30 cents. Only 2 out of six tanks investigated were found good enough to be repaired and improved.

Non-official visitors of hospitals.

279. ***MR. P. C. KURIYAN** (*Kottayam I*): Will the Government be pleased to state:

(a) whether they have nominated any non-official gentlemen as visitors to the various hospitals in the State;

(b) if so, the names of those gentlemen and the respective hospitals to which they have been so nominated; and

(c) if not, why not?

MR. JAMES SIMPSON (*Darbar Physician*): (a) No.

(b) In view of the answer to part (a), this does not arise.

(c) Such nomination is not considered necessary.

District Surgeon at Kottayam.

280. ***MR. P. C. KURIYAN** (*Kottayam I*): Will the Government b pleased to state;

(a) who the District Surgeon at Kottayam is;

(b) his qualifications;

(c) how long he has been at Kottayam; and

(d) whether the Government have received any representations for his transfer from Kottayam?

MR. JAMES SIMPSON (*Darbar Physician*): (a) There is no officer as District Surgeon at Kottayam. If the member means the Medical Officer in charge of the District Hospital, Kottayam, he is Deputy Surgeon Mr. D. W. Isaac;

(b) L. M. &. S

(c) He has been at Kottayam since 2-11-1107.

(d) No such representation has been received.

MR. R. RAMAN PILLAI (*Changanachery cum Peermade II*): May I know the period for which the predecessor of the present incumbent was in charge of the Kottayam District Hospital?

MR. JAMES SIMPSON (*Darbar Physician*): I claim notice.

MR. V. T. CHACKO (*Muvattupuzha I*): May I know whether there is any rule fixing the period during which a Medical Officer should be in a particular place?

MR. JAMES SIMPSON (*Darbar Physician*): There is no such rule.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether during hospital hours Medical Officers are allowed to visit patients outside the hospitals?

MR. JAMES SIMPSON (*Darbar Physician*): They can do so in cases of emergency but must inform the Darbar Physician's office of the same.

Remuneration to Government Doctors.

281. ***MR. P. C. KURIYAN** (*Kottayam I*): Will the Government be pleased to state:

(*a*) whether they have put up any notice in the various hospitals in the State forbidding patients to pay any remuneration to Government doctors for attending patients in the hospitals;

(*b*) if so, what were the causes that led the Government or the Darbar Physician to put up such notices; and

(*c*) what provision Government have made to see that doctors do not abuse this direction?

MR. JAMES SIMPSON (*Darbar Physician*): (*a*) Yes.

(*b*) To remove a misunderstanding among the public that they have to pay for medicines and treatment in the Government medical institutions.

(*c*) Enquiry is being made at the time of visits to the different stations if there is any complaint regarding the matter.

Treatment of patients.

282. ***MR. P. C. KURIYAN** (*Kottayam I*): Will the Government be pleased to state:

(*a*) whether there is any rule at present preventing a doctor from seeing the patients or their relations at the doctor's house; and

(*b*) whether they are aware that most of the doctors refuse to treat patients in the hospitals who do not visit doctors at their residences?

MR. JAMES SIMPSON (*Darbar Physician*): (*a*) No such rule.

(*b*) Not aware.

Ophthalmic Hospitals.

283 ***MR. P. C. KURIYAN** (*Kottayam I*): Will the Government be pleased to state:

(*a*) the number of Ophthalmic Hospitals in the State; and

(*b*) whether Kottayam has got one?

MR. JAMES SIMPSON (*Darbar Physician*): (*a*) There is only one Ophthalmic Hospital in the State.

(*b*) Kottayam has no Ophthalmic Hospital. One of the Sub Assistant Surgeons attached to the District Hospital has had training in the Trivandrum Ophthalmic Hospital.

Appendix I.

Vide Answer to Question No. 275.

Statement furnishing information *re* appointment of teachers from outside the waiting list.

Part (*b*)		Part (*c*)	
Names.	Qualifications.	No. of the G. O.	Date.
1. M. Muhammad Abdur Kadir ...	E. S. L. C.	D. Dis. No. 1352 of 35/Edn.	23rd August 1935.
2. P. D. Mathai ...	V. S. L. C. & E. S. L. C.		
3. M. K. Itty ...	V. H.		
4. P. Madhavikutty Amma ...	E. S. L. C.		
5. N. Subramanian Asary ...	V. H. and Intermediate Examination of the Madras University.		
P. Balakrishna Sarma ...	Mahopadhaya Examination 1st Class, 1st in the State. Rashtrabasha Examination in Hindi.	D. Dis. No. 1469 of 35/Edn.	5th September 1935.
1. P. C. Karthiayani ...	V. H. and H. G. T. T. C.	D. Dis. No. 170 of 36/Edn.	1st February 1936.
2. Mariamma Thomas ...	Do.		
3. C. A. Pathrose ...	E. S. L. C.		
1. K. K. Kesava Panickar ...	V. H. and Agricultural training.	D. Dis. No. 1067 of 36/Edn.	25th July 1936.
2. K. N. Raghava Marar ...	Do.		

Appendix II.

Vide **Answer to Question No 276.**

Statement showing the number of original suits pending disposal in the Munsiffs' Courts.

No.	Name of Court.	Pending disposal on 15-8-1111.
1	Temporary Munsiff's Court, Trivandrum	115
2	Munsiff's Court, Tiruvalla	1,423
3	Principal Munsiff's Court, Attingal	240
4	Additional Munsiff's Court, Attingal	370
5	Munsiff's Court, Nedumangad	470
6	Munsiff's Court, Neyyattinkara	1,153

Appendix III.

Vide **Answer to Question No. 277.**

Statement showing the number of original suits, small cause suits, applications for execution of decrees and civil miscellaneous petitions.

No.	Name of court.	O. S.	S. C. S.	Applications for execution of decrees.	Civil Miscellaneous petitions.
1	Prl. Munsiff's Court, Tiruvalla	769	190	893	222
2	Temporary Munsiff's Court, Tiruvalla	515	71	317	34
3	Prl. Munsiff's Court, Vaikam	1,290	320	1,936	509
4	Temporary Munsiff's Court, Vaikam	186	...	390	64
5	Munsiff's Court, Attingal	793	193	982	411
6	Prl. Munsiff's Court, Neyyattinkara	508	78	736	156
7	Addl. Munsiff's Court, Neyyattinkara	511	69	428	78
8	Munsiff's Court, Nedumangad	471	99	343	71

NOTICES OF ADJOURNMENT MOTIONS.

PRESIDENT: I have received a certain number of notices of motions for the adjournment of the House. There is no rule specifically laying down the order in which I have to ascertain the desire of the House in regard to these motions. I have therefore taken the liberty of choosing the motion which in the nature of things is of the most urgent character. There are two notices of motions more or less on the same matter. One of the motions of Mr. Kuriakose relates to—

> "the serious situation created by the recent terrorising misdeeds, such as indiscriminate lathi charges on innocent people, extortion of money, assaulting women and children etc., of a batch of reserve police stationed at Ramangalam in Muvattupuzha taluk, which has caused grave apprehensions among the innocent, peaceful and law-abiding inhabitants of Ramangalam and the surrounding places".

The other relates to.—

> "the serious unrest caused recently at the western frontier of the State, especially in the Piravom Excise Range, as a result of recent struggles between the Excise staff and the smugglers owing to the want of proper and inadequate preventive measures in the frontier."

These two relate to the same matter and I wish to ascertain the desire of the House as to whether the honourable member has the leave of the House to make the motion.

Leave was granted.

PRESIDENT. The motion will be taken up for discussion at 3·30 P. M. to-day.

REGULATIONS ASSENTED TO BY HIS HIGHNESS THE MAHARAJA.

The Secretary reported that the following Bills have received the assent of His Highness the Maharaja.

1. The Travancore Ancient Monuments Preservation Bill.
2. The Travancore Rubber Control Bill.
3. The Travancore Agriculturists' Relief Bill.
4. The Travancore Life Assurance Companies Bill.

DEMANDS FOR SUPPLEMENTARY GRANTS. PUBLIC WORKS DEPARTMENT.

MR. JAMES SIMPSON (*Darbar Physician*): Sir, I rise to move for a supplementary grant not exceeding Rs. 10,000 for additional wards for the General Hospital, under the P. W. D. heading. Everybody must be aware of the fact that last year a large number of patients had to be accommodated on the floor of the wards and in the verandas and great inconvenience was experienced for want of accommodation. Additional accommodation is a dire necessity. It was therefore decided then to construct four new wards at an estimated cost of Rs. 25,670. But only a sum of Rs. 15,000 was provided for the work in the current year's budget. The construction of three out of

the four blocks of buildings is already in progress and is expected to be completed in about three months. Difficulties could be avoided if the fourth block also is taken up and completed with the others. This requires an additional allotment of Rs. 10,000. The amount cannot be found by diversion. Therefore, I request the House to grant this demand.

PRESIDENT : The question before the House is that a grant not exceeding Rs. 10,000 be granted under the Demand—Public Works Department.

The grant was made.

EDUCATION.

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I move for a grant not exceeding Rs. 45,000 under Demand—Education. The grant is required for payment of fee compensation to private schools in connection with the Fee Concession Scheme for backward and depressed class pupils. As the House is aware there is a very elaborate Fee Concession Scheme, and the Government have undertaken to compensate private schools, which accept the scheme, to the extent of 75 per cent. of the loss sustained by them. The allotment for this year for this purpose is Rs. 1,10,000 and it is found to be insufficient for meeting all the liabilities under this head. The fact is that owing to financial stringency in the years 1110 and 1111, the allotment under this head was only Rs. 90,000 though the average expenditure every year came to about Rs. 1,10,000. The result has been that a certain amount of arrears has accumulated for the year 1110 and especially for 1111. It is considered desirable that these arrears should be cleared and that the liability for this year is also paid up. The department has been seriously considering proposals for revising the whole Fee Concession Scheme; and, as some honourable members may be aware this scheme was subjected to an exhaustive investigation and scrutiny by the Advisory Board. Proposals have been placed before the Government and are under their serious consideration. If these proposals are accepted there will be a substantial reduction in the financial commitments of Government in future years. It is therefore considered necessary that the present liabilities should be extinguished, before the new scheme can be brought into operation next year. For this purpose a sum of Rs. 45,000 is required and I request that the House will be pleased to grant this amount.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether this amount is intended for payment to the depressed class students of 1110 and 1111? Have not those been paid yet?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): The depressed class students had been given full fee concession by the private school Managers, and they have to be compensated to the extent of Rs. 45,000 for the loss sustained by them on that account.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know the number of managements in whose cases these amounts have not yet been paid.

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I have not got all the details with me now. The whole amount has been distributed among the Divisional Inspectors and the Inspectress of Schools, and they are making payments.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know why no provision was made in 1110?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): Owing to financial stringency Government cut down the allotment to Rs. 90 000 in 1110 and 1111?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Why was it not paid in 1111 also?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*); Financial stringency.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know why adequate provision was not made in the budget for the current year?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): That was why an increased allotment of Rs. 1,10,000 was provided in this year's budget. That is found insufficient.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I suppose the new scheme will begin to operate only from the next financial year?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): Yes.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Does this extend to grant-in-aid schools or to all recognised schools?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): To all recognised schools.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Irrespective of the question whether they received grant-in-aid or not?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): Yes.

MR. N. E. VARUGHESE (*Tiruvalla I*): May I know the amount of arrears?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): About Rs. 45,000.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know in what month dues to the private schools under this head are ascertained?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): The process is going on throughout the year. The losses of a certain year are assessed for grants during the coming year.

PRESIDENT: The motion before the House is that Government be granted a sum of Rs. 45,000 on account of fee concession to backward and depressed class pupils in private schools.

The motion was put to vote and carried.

The grant was made.

EXCISE.

MR. C. O. MADHAVAN (*Excise Commissioner*): I beg to move for a supplementary grant not exceeding Rs. 185. This is for the staff to be appointed for the Chowkey opened at the new Edava Railway Station. Whenever a new Railway Station is opened people travel to and fro and goods are booked to and from that station. A Chowkey then becomes necessary for customs examination. The minimum staff of a Chowkey is a Petty Officer on Rs. 18 and two peons, one on Rs. 10 and the other on Rs. 9. The total expenditure per mensem is Rs. 87.

MR. K. P. KRISHNA MENON (*Parur*): May I know when this Chowkey was opened?

MR. C. O. MADHAVAN (*Excise Commissioner*): On 1st December last. But no staff has been appointed so far. If sanction is obtained from the House the staff will be appointed. For the remaining five months of the year a sum of Rs. 185 is required.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): May I know how the Chowkey was opened without staff?

MR. C. O. MADHAVAN (*Excise Commissioner*): Temporarily the minimum staff was taken from the Chirayinkil Range. Now they are doing the work.

The demand was put to vote and carried.

The grant was made.

POLICE.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I rise to move for a supplementary grant of Rs. 600 for rewards to Police officers in connection with the special work turned out by them during this year. (*Cries of louder please.*)

PRESIDENT: The Honourable member will please raise his voice a little.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): By special work I mean the work during the celebrations in connection with the birthday of His Highness the Maharaja and the visit of the illustrious guests, and the Dassara festivals. All these festivities synchronized this year. The Police officers had to over-work themselves. They were compelled to do over-time work. The usual budget provision for rewards is found inadequate; there is only a balance of Rs. 100. (*Louder, please.*)

PRESIDENT: It is not necessary to go from one extreme to the other. (*Laughter.*)

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): As these several festivities synchronized, the Police men had additional duties to perform, and were compelled to do over-time work and for that some special consideration has to be shown to them by way of rewards. Hence this motion for supplementary grant.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether this cannot wait till the next Budget Session?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): A special work should be rewarded at once; else it loses its effect. There will be no meaning in rewarding these people after a number of years.

MR. K. P. KRISHNA MENON (*Parur*); May I know whether the amount has already been paid?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): No. It is only after the grant is sanctioned by the House that the amount can be paid.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether there was any festivity in the current year other than the festivities that we had last year?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Yes, so many; the Governor's visit, the Temple Entry Proclamation and the situation resulting from it; these caused the Policemen extra work and necessitated anxious watching by them.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is there any allotment in the present year's budget for rewards for such special duties?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): We have got Rs. 100 left out of the budget provision, and that is too small an amount for meeting the p esent demand. That is the reason why I have come for an additional grant.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know what class of officers are to be rewarded?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Two District Superintendents of Police have already been rewarded with good service entry; and the other classes of officers to be rewarded are the Assistant Superintendents, the Inspectors, the Head Constables and the Constables.

MR. K. R. ELENKATH (*Kalkulam I*): I rise to oppose the demand both on principle and on the ground that such a demand is not warranted by the situation or by the reasons advanced. It is not good policy to give rewards to people for doing their duties. If this reward is given I fear it would amount to our questioning the capacity of the officers for whom these prizes are offered. It would look as though the Commissioner was surprised that these officers were able to do their work. Is it a matter for surprise; and is it as a result of such surprise that the Commissioner is now coming forward with this supplementary demand? Does he really think that these officers are incompetent that they should be given rewards in order that they should do their ordinary work? It is only their legitimate duty that they have discharged. I do not think the award of any prize will be justifiable or necessary.

Another point to be considered is whether they were able to perform their duties well by methods which are not unjust. The Commissioner has not explained that point. We do not know whether the Police Officers have used only legitimate and just means to achieve their ends.

PRESIDENT: Does the hon'ble member refer to the keeping of order during the festivities connected with the Temple Entry Proclamation?

MR. K. R. ELENKATH (*Kalkulam I*): Not at all.

My point is whether the methods by which these officers have been able to preserve order were not terrorising and threatening the people. Then, they do not at all deserve any reward. On the other hand they may even be liable for punishment. That is my view. The Commissioner has not explained that point. The fact that they have not been punished is sufficient reward for them.

MR. M. SIVATANU PILLAI (*Tovala*): Before opposing the demand, I wish to thank the Chair for interrupting the previous speaker with a question about the Temple Entry Proclamation.

PRESIDENT: Order, order; I did so because I did not follow the hon'ble member's argument.

MR. M. SIVATANU PILLAI (*Tovala*): If it is the argument of the Police Commissioner that the Police had to do extra work in connection with the Temple Entry Prolamation, then I must enter my emphatic protest against the insinuation made by the Police Commissioner. I am here to voice the public opinion. There was absolutely no scope for any doubt that there was any unrest among the people on account of the issue of the Proclamation. As a matter of fact, all people welcomed that Proclamation with one heart. As such, there is no reason for the Police Commissioner to say that the Police had to do any extra work in connection with the Temple Entry Proclamation. That one point is quite sufficient for the House to throw out the demand, as it carries with it its own condemnation. Then with regard to rewards to be given in connection with the festivities held recently at Trivandrum, the Police Officers ought to know......

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether there were no festivities held in connection with the Temple Entry Proclamation?

MR. M. SIVATANU PILLAI (*Tovala*): Yes, there were many.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether the Police Officers had no special responsibilities in connection with those festivities?

MR. M. SIVATANU PILLAI (*Tovala*): They had absolutely none. They were also enjoying the festivities like the other people who had gathered; and that itself is a reward for them. The Police also equally enjoyed those festivities with the crowds. Then wherein lies the justification for rewarding them further?

[Mr. M. Sivatanu Pillai.]

Secondly, as the previous speaker said, the principle of this demand is wrong. I am not at all surprised to see the Police Commissioner making a demand of this kind before this House, because he is usually approached with petitions from his subordinates to the effect, "I have not got any black mark in my record of work and so I deserve a promotion or a reward". Sir, I am at a loss to understand why he should come forward with a demand for rewards to be given to Police Officers for doing only their legitimate duties in connection with these festivals. Sir, I can understand reward being given to a Police Officer for daring deeds under trying circumstances involving the risking of his life for instance, or in a case where an officer, by his skill, has found out undetected cases. Sir, in this connection, I may say that, in every corner of the State, there are instances of serious offences where criminals are let off and crimes remain undetected.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): On a point of order; ever so many cases *have* been detected, Sir.

PRESIDENT: I din't hear you.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Ever so many cases have been detected.

MR. M. SIVATANU PILLAI (*Tovala*): Sir, only small cases involving minor offences have been detected; for instance in our place, one goldsmith has been found out while counterfeiting the copper cash, while, as is well known, the counterfeiting of coins of half rupee and currency notes is going on in a large scale in this State. If such a case is found out I will be only glad to see that the officer is rewarded. But as a rule, these serious offences go undetected as yet. Sir, in my place there was the sensational college murder case. Though a clue was secured by the Police, the culprits were let off. I understand that one of the District Officers of Police concerned with that is intended to be rewarded. Sir, it was a fountain pen that afforded the clue for the discovery of the offender; but the resposible Police Officers who were engaged in the case suppressed that fountain pen. I understand that the officer who was responsible for so suppressing the fountain pen is also in the list of officers now proposed to be rewarded.

PRESIDENT: With reference to this kind of allegation against officers I think honourable members will realise that if an allegation is to be made it ought to be made with particularity so as to enable Government and those responsible to proceed against the officers concerned. I have more than once affirmed that definite charges against officers laid on the floor of the House will be considered by Government and it is not the object of the Government to flinch from pursuing to the utmost degree the recalcitrant officers. I find allegations are made by honourable members on the floor of this House but when those honourable members are asked to substantiate those allegations

we hear nothing further. I want to make it clear that if the allegations made are substantiated, Government will move immediately in the matter. (*Hear, hear*).

MR. M. SIVATANU PILLAI (*Tovala*): Sir, I offer my heartfelt thanks to the Chair for this assurance.

PRESIDENT: I trust it will not be possible in this House further to repeat vague allegations. But if the name of the officer responsible and particulars of the incidents are given I will give an undertaking on behalf of Government that proceedings will be started immediately. I cannot say whether the result will be in favour of the officer or in favour of those who made the allegations.

MR. M. SIVATANU PILLAI (*Tovala*): Sir, I accept the challenge, coming as it does from the head of the administration.

PRESIDENT: I trust that the names of the officers and other particulars may be given on the floor of this House. And, if necessary, outside also.

MR. M. SIVATANU PILLAI (*Tovala*): Oh! yes. I hope the Chair will permit me one or two minutes more.

PRESIDENT: Yes.

MR. M. SIVATANU PILLAI (*Tovala*): Sir, there was a murder case in Nagercoil three years back in the Scott Christian College compound. The Police were not able to find out the persons involved. Naturally, as I have some influence in the locality, I was approached with a request to help the Police to find out the offenders. I gave my hearty co-operation and help and two persons were caught. They were asked about the details of the incident and the Police got a certain clue from them.

PRESIDENT: Order, order.

I am sensible of the fact that the honourable member wishes to give particulars. But as we are now concerned with the question of the rewards to be given to police officers in connection with the recent festivities, I trust that the honourable member will give those particulars formally to Government for the purpose of enabling them to investigate and take necessary steps in the matter.

MR. M. SIVATANU PILLAI (*Tovala*): Sir, I should be very glad to do so. Now, my point is whether that officer connected with the Nagercoil affair is included in the list of officers to whom rewards are to be given.

PRESIDENT: In justice to the officers concerned the honourable member will mention names.

MR. M. SIVATANU PILLAI (*Tovala*): Sir, I understand that one of the rewards is to be granted to Mr. Sivasankara Pillai, District Superintendent of Police, Nagercoil.

PRESIDENT: The Police Commissioner will say if that is a fact; and if so how the information got out. [C.]

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): There is no reward claimed here for Mr. Sivasankara Pillai.

MR. M. SIVATANU PILLAI (*Tovala*): Sir, I offer my thanks to the honourable member for the correction; but I understand that in this connection he is to be put in good services record. If so, that is also a reward though not in money.

Sir, the Police officers are expected to do their duty for which they are responsible and they could little expect any reward from Government. Rewards are intended for exceptional skill or meritorious service and not for doing one's duty. If rewards are given to those officers who were specially engaged during these festivities complaints may arise from others who were not given that chance. Rewards can be given for instance during police sports when all will have equal opportunities. Here certain officers are chosen by the department and they are asked to do a particular work. They come here.

PRESIDENT: Order, order. The Police Commissioner will say whether the officers to be rewarded are from Trivandrum or from any other place.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): They were all from Trivandrum.

MR. M. SIVATANU PILLAI (*Tovala*): What I meant was that instead of doing their duty in their respective places, they were asked to go over to Trivandrum in connection with these festivities. So, if they are rewarded, it will create discontent in the minds of other officers. In these circumstances, I do not find myself in a position to support this demand.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I wish to make a few remarks in opposing this demand. Sir, I do not oppose this demand on the ground that reward is not necessary for work done. But I wish the Police Commissioner to make out a case for a demand of this nature. First of all, he has to satisfy the House how this demand can be considered as an emergent necessity so as to be brought in as a supplementary demand. He ought to know that a supplementary demand is brought forward only under special circumstances. This House watches with jealous care any infraction of the rules laid down for financial control. The Commissioner should satisfy the House how this demand is urgent. I suggested by way of a question that there is no occasion for any emergency with regard to this demand, and he answered that we ought not to wait for years to give rewards to the police officers concerned. Why should he not wait till the Budget Session? At the time of the Budget Session this demand can be made. Otherwise, he has to make out how it is necessary to give the rewards at once. He has also to supply details as to the kind of service or work for which the rewards are to be given and in what proportion the amount is to be distributed. If he had made these matters clear I hope Sir, there would not have been any objection in getting this demand passed. He ought to have made these points clear, and not rest content with a bold statement. "I want Rs. 600 for payment of rewards for certain

kind of work done during the recent festivities at Trivandrum". We know very well, Sir, this year, in the capital there have been festivities on a phenomenal scale, and a very large number of people came here, congregated and took part in those festivities. But all passed off peacefully due to the discipline of the crowd as well as the great tact and consummate skill exercised by the police officers in handling situations. That must be admitted.

I am not at one with Mr. Sivatanu Pillai in saying that rewards can be offered only for risking one's life or for doing something heroic in the crude sense of the term. Rash men may rush into danger at the risk of their lives and fortune may favour them, and they may come out successful. It is much more difficult to control oneself and exercise restraint in exercising one's powers. That is a greater demonstration of skill and self control. That can be said in favour of our Police force as a whole. We want their disciplined strength in tackling situations tact-fully. And such conduct deserves encouragement. Such a demonstration, though not ostentatious, has to be made in times like this when mobs have to be dealt with in a tactful manner. I am sensible of the fact that the Police have done splendid work in peacefully co-operating with the public in seeing that the various festivities were conducted in harmony and without any hitch, which sometimes occurs. I consider that work meritorious and worthy of a reward. But the Police Commissioner said that he is going to offer this reward for overtime work done. Then it is not reward; it is money earned. Services have to be paid for. The Police Commissioner has not made it clear whether he proposes to pay rewards or overtime allowance. I hope he will make that clear and also answer the other points I have raised. With these words I resume my seat.

MR. PUTHUPALLI S. KRISHNA PIALLAI (*Quilon II*): May I know whether the member feels that the Commissioner of Police himself has had to do a lot of work.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Details have not been given. Rewards are given to subordinate officers as an incentive for future work and as an example for the outside Police force. My friend Mr. Sivatanu Pillai was stating that this reward was unnecessary because the people throughout the State could not earn it. It will not be possible for a Police officer in Trivandrum to detect a smuggling case in Muvattupuzha and earn a reward. It happens that some people get.........

MR. N. E. VARUGHESE (*Tiruvalla I*). Only a question was put to the member.

PRESIDENT: It is a long answer.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): It happens in the world that some people alone get opportunities.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): Sir, I support the demand, but with a qualification. I do not subscribe to the position that because a Police officer has done a little more work than

he would do in normal times, he should be given a reward. The appreciation of Government should not be confined to any particular department. There are the Shorthand Reporters in this House If a man talks in a very low voice or if a man talks very idiomatic English, which an ordinary shorthand writer may not follow, or if a man talks bad English, the Shorthand Reporter.........

PRESIDENT: Order, order. Without the consent of the Head of Administration an increase in grants cannot be made, for the Shorthand Reporters.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): I was only pointing out a parallel case in which the Head of the Department may come forward with a supplementary Demand. One more instance is that of the Nayar Brigade who in going through the various processions have to experience heavy rain or scorching heat. I can bear witness to the fact of the soldiers falling down due to oppressive heat during the Sasthamangalam Procession last year. Now, that is suffering indeed. I do not want to minimise the importance of the work done by the Police. The rank and file of them are doing very good work. There is very great discipline and willingness to work on the part of the Police officers, high and low. What I wish to submit before this House is that Government should recognise meritorious service in all cases, whether it is done by the Police or by the Military, or by any other branch of the Administration If a man does exceedingly good work he must be rewarded. Because a little more work was done for special reasons during a specified time, that should not entitle the Police Officer alone for a reward.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether in the case of executive officers who have to be about and available for work always, any reward should be given for overtime work?

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): I know that Police Officers and Magistrates, like the Tribunes in ancient Rome, have always to be on duty so that any man would have the right to approach him for help both by day and by night. If the Police Commissioner is satisfied that a particular officer has done meritorious work, his claims for reward may be considered; but, the Commissioner will have to put his reasons before the Government and the Government may in the circumstances of the claim make up their minds that a meritorious reward should be given. But, simply because a little more work was done I am not prepared to accede to the view that a reward should be granted. With that qualification, namely, that if the Police Commissioner and Heads of other departments are satisfied through uncontestable reasons, and if the Government is also satisfied on a close examination of the facts that a reward should be given, I am in favour of it.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Does the member support or oppose the demand?

PRESIDENT: I do not think the honourable member is called upon to construe his own speech.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, I was a little amused when I heard the Police Commissioner pleading for an allotment of Rs. 600 for distribution of rewards among the officers. The argument advanced was that during the festivities the Police were considerably strained and that they have legitimately earned a reward. I have read the Police Regulation. I know the Police force in the State; and, in regard to the work that they have turned out during the recent festivities, I am not in a position to see anything which they have done in excess of what they are generally called upon to do. If the plea is that they have been called upon to strain themselves a bit, I would ask whether the Police Commissioner himself did not do more work. I wish to know whether the Chief Secretary himself had not a good lot of additional work to turn out in connection with the festivities as well as the clerks of the Secretariat. I wish to know, Sir, whether during the large assembling of people, the Public Health Department had not more work to do.

It was said, Sir, that the Police are entitled to some reward When do we think of making rewards to persons who have done some work? My humble opinion is that we think of making a reward only when an officer has done something in excess of what is natuarally expected of him. To preserve peace and order is the ordinary routine work of the policeman. In connection with the festivities and processions I was not able to see anything more than this. If we are going to take into account the discharge of the legitimate duties of these people as entitling them to earn a reward, my fear is that we will be thereby corrupting the Police. No Policeman is entitled to expect, for doing his legitimate and ordinary duties, a reward from Government. He is bound to preserve order. He is bound to do the work which the District Officer directs him to do. If he neglects to do it, he will be a a renegade, and will be punished. As Mr. Sivatanu Pillai has pointed out, I can understand the claim for a reward if there had been a fire which broke out as a result of the festivities, and the Police had exerted themselves and extinguished the fire and saved loss of life and property. In that connection some of us would also have given our help and done something out of the way. What is it that the Police have done? They preserved order among the men who went in an orderly manner. If the Policeman asks me to keep my side, I automatically do it. If I go to Spencer's leaving my car on the road and if the Policeman says "Take away your car." I immediately do so. Why? Because I want to preserve order. I do not want to break the law and make confusion on the public road. Is the Policeman to earn the reward, or am I to earn it? We are becoming more and more educated; we love peace; we want to see everything conducted in the State on an orderly basis. We the people, are entitled to greater rewards than the Policemen. They have been posted in various places and they have been keeping the crowds in order, and for this a reward is to be earned by the A. S. P. I can go down to the Inspector. Even that is highly wrong in principle. Something may be given to the men and not to the officers.

[Mr. Puthupalli S. Krishna Pillai.]

Should not the Commissioner also be given something? The Commissioner very honourably says 'I do not come in for the reward'. If that is so, the D. S. P's. should also be induced to say that they do not want it. The A. S. P's also must be made to say that. The Inspectors should refuse to receive the reward. I can understand low paid men, like the Constables who are overworked, being given something by way of solatium for the great strain they had to undergo. But, do not make an exception in the case of the Police. They are bound to behave properly towards the public. As Mr. Kunjukrishna Pillai said, there is considerable self-restraint on the part of the Police because there was no exhibition of force by them. I do not accept that sort of argument. If that argument is accepted the public also should be rewarded because they did not exhibit any force. With these few observations, I support the suggestion that the whole of this fund should not be utilised but only that portion of it which is proposed to be given to the Head constables and the Constables.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): I did not wish to intervene in this debate until I heard the Commissioner of Police speaking about the carrying out of the Temple Entry Proclamation and the strain it caused to the Police. That does not appear to be a correct statement of facts. The Temple Entry Proclamation was given effect to throughout Travancore with the hearty co-operation of the public and without any special effort on the part of the Police. It would be giving a wrong colour to the Proclamation and to its effect in Travancore if we were to say that that Proclamation was brought into operation only with the help of the Police. And so, if that is one of the reasons stressed for Policemen getting rewards, I must strongly oppose the demand.

I am at one with my friend Mr. Puthupalli S. Krishna Pillai when he said that no portion of this reward should go to the higher officers of the department. He spoke of the Constables and Head constables. I am prepared to include the Inspectors also. So far as the D. S. P's are concerned I believe the Commissioner said that they were to be given certificates and that they were not going to get any portion of this reward. I must exclude the A. S. P's also.

PRESIDENT: Order, Order. Is there any formal amendment before the House.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): No, I do not propose any amendment. I wish to hear the Commissioner of Police on this matter, and then I shall decide about my vote.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I also wish to speak a few words on this motion. The Commissioner of Police has made a demand for Rs. 600 for rewards to Police officers for additional work in connection with certain festivities in Trivandrum. Festivities in Trivandrum are not an unusual feature. Every year we find something or other requiring some exertion on the part of the Police. Sometimes we find that the Police have to exert much more than usual.

With regard to the Temple Entry Proclamation, I do not think the Commissioner of Police would lay much emphasis on that. On account of his low voice, I did not hear him fully about that. He referred to the Birthday festivities, and to the Dassara festival. The latter is a festival which takes place in Bangalore or Mysore, and not here. We have only the Poojayeduppu procession here. Sir, giving rewards for such purposes is a bad precedent. For this purpose the Police Commissioner wants a supplementary grant. We find, in the budget for 1112, two separate provisions; there is an item called special rewards amounting to Rs. 1,000, and also another item amounting to Rs. 1,200. When a supplementary grant is asked for, the Police Commissioner must say whether the amount sanctioned in the budget has already been spent. He must also give details of the way in which he proposes to spend Rs. 600. Without these details it will not be possible for us to vote for this demand. I even fear that this motion for supplementary grant will not be in order if he does not make out a case that the amount allotted is insufficient and that a need has arisen for a supplementary demand. With these words I oppose the demand.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Sir, I wish to make one or two observations on this motion. It has been pointed out in this House that the Police, in preserving order during the various festive occasions this year, have only done their legitimate duty. It is true, Sir, that it is the duty of the Police to preserve order. But it so happened that, this year, a number of festivities almost synchronized or came one after another in close succession. The festivities connected with His Highness the Maharaja's Birthday and the Poojayeduppu do not usually come closely together; there used to be an interval between them. But, this year, all these festivities more or less synchronized. Along with these there were also the festivities connected with the Temple Entry Proclamation. The Police had naturally to exert themselves and had to subject themselves to greater strain and stress this year than in previous years. That is one point.

The second point I wish to advert to is this: The ordinary duty of preserving order in normal times is not so severe as that of preserving order on occasions when thousands of people assemble together. Honourable members are aware for instance, of the large concourse of people at the maidan in front of the railway station when Gandhiji was presented with an address, the large crowd that have assembled there when the Harijans submitted an address to His Highness the Maharaja and the still larger crowd that was present on the Parade ground when the Ezhavas presented an adress to His Highness. Those were extraordinary occasions which attracted unusually large crowds. No doubt, in those crowds there might have been a large number of people like my friend Mr. Puthupalli S. Krishna Pillai who exercised great self-control. But I do not think that in a crowd of thousands of people all will be Puthupalli Krishna Pillais. There may be a number of persons who will not be able to exercise self-control. I believe it was on account of the good work done by the Police that such huge crowds were

[Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai]

properly controlled. These were extraordinary occasions, and the Police Commissioner recommended that some reward—you may call it reward, solatium, or compensation—should be given to the Police.

MR. P. C. KURIYAN (*Kottayam I*): May I know whether the Police department was the only department that did extra work during the festivities?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The Police department was mainly concerned with the preservation of order and I believe that, of all departments, that department had to bear the brunt of the work. Those who did the work deserve encouragement at the hands of the Government.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know what part of this grant will go to the Constables and what part to the higher officers?

PRESIDENT: The Police Commissioner will elucidate that point.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know whether this will be included in the service rolls?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The Police Commissioner will answer that question also. All that I wish to point out is that in recognition of the good work done by the Police on these extraordinary occasions Government thought that it was only proper that some reward was given to the men concerned.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know what portion of the amount allotted in the budget has already been spent?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The Police Commissioner will answer that question.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, I am prepared to support the demand if the Police Commissioner will make a statement separating the grant for the Constables and Head constables, from the total grant now asked for. If he is not prepared to ask for a grant only for the purpose of rewards to the constabulary, I will not be able to support the demand.

MR. S. J. NAIR (*Nedumangad*): Sir, if the Police Commissioner will assure us that the whole amount will be spent as rewards to the Head Constables and the Constables who were doing their duties in connection with the festivites in Trivandrum, certainly this House will vote for the grant. If, on the other hand, it is the idea of the Police Commissioner to give rewards to the District Superintendents, Assistant Superintendents and Inspectors, certainly this demand will be vetoed.

In connection with the Assistant Superintendents of Police I wish to make a few observations for the information of this House and of the Government. This House must be thankful to the Government when

the President assured this House that if members are prepared to make out a case against any officer with regard to corruption Government will take action immediately. A few months ago a murder case took place at Thamala in Vithura.

PRESIDENT: When I made those observations I did not make them with a view to raise a general discussion, on the conduct of Police officers, in the course of the discussion on this demand for rewards. All that I was concerned with and I repeat it emphatically once again for the information of this House and for the people outside, was that if honourable members of this House, or other responsible persons openly and definitely make an accusation against a Police officer, such accusation will be promptly and immediately attended to. That was all that I desired to say. Therefore the honourable member need not elucidate the details of the murder case just now.

MR. S. J. NAIR (*Nedumangad*): Since the Police Commissioner has come forward with a demand for a reward to be given to the A. S. P's., I have to say a word about the Trivandrum A. S. P. in connection with his duty in a recent murder case at Nedumangad. I submit for the information of the House that the A. S. P. does not deserve any reward. On the other hand he deserves punishment in the light of his conduct he has exhibited in certain cases.

PRESIDENT: The honourable member will no doubt give that information to the responsible quarter concerned.

The point is that the honourable members, when making allegations in this House are protected, and it will be very unfair to the officers who are not represented in this House that accusations should be made against them under cover of such protection. Therefore, if honourable members, like the other members of the public, have to make charges against officers they should do so definitely and openly in order that investigation may be proceeded with on that basis. The Government will not proceed on allegations of this kind unless the members making the allegations are willing to take full responsibility for them, since they are likely to cost the fortunes and the future of hardworking officers. In cases where punishments are called for, of course, Government are prepared to visit such officers with condign punishments. (Mr. Sivatanu Pillai: hear, hear). Nevertheless such accusations should not be made under cover of the privileges of this House (Hear, hear).

MR. S. J. NAIR (*Nedumangad*): When I speak about the corrupt conduct of the Trivandrum A. S. P. I am definite about my statements, and I take up full responsibility for the statements I make. I had submitted a statement some time back to the President showing the facts of the corrupt conduct of the present A. S. P. at Trivandrum; and I do not know what has become of it.

PRESIDENT: That matter will be investigated.

MR. S. J. NAIR (*Nedumangad*): Thank You, Sir. With regard to the grant before the House, if the Police Commissioner will say that the whole amount is to be given as special allowance to the Police constables and the Head-constables engaged in connection with the visit of Gandhji and the Temple Entry celebrations, etc., I can give my support.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I never expected that this House would require any lengthy explanation on this subject. Having known full well what all festivities, processions and so forth Trivandrum witnessed in connection with the visit of Gandhiji and the Temple Entry celebrations, and having known what all difficult, delicate and even dangerous situations the Police had to face, I little thought there will be such a serious opposition to this small demand.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Can the Commissioner give one instance of a dangerous situation that arose during those occasions?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Honourable members must realise that the Police had to deal with all sorts of people. In a crowd, there will be gentlemen as well as criminals. There may be the law-abiding and lawless people. The Police have to exercise their discretion and sound judgment. This is indeed a very serious situation.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether there were conflicting interests?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): In almost all such occasions there are the law-abiding on the one side and the lawless on the other. Police have to deal with these two sets of people cautiously. During the festive occasions the crowd will generally be unmanageable. It is one of the many occasions when the Police have to behave honourably. During Gandhiji's visit also there were dangerous situations and the Police have behaved in a very exemplary way.

MR. M. SIVATANU PILLAI (*Tovala*): I did not hear what the member said about Gandhiji's visit.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I do not hear the member.

MR. M. SIVATANU PILLAI (*Tovala*): All that I want to know is what the Police Commissioner said about the behaviour of the Police during the time of Gandhiji's visit to Travancore.

PRESIDENT: All that the Police Commissioner said was that Gandhiji visited Travancore (*Laughter.*)

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Those occasions were one of very great and exceptional strain in the annals of Police Administration. The situations were very extraordinary. The situation had to be judiciously controlled.

So far as the Police are concerned, Gandhiji complimented our Police that they deserved comparison with the London Police, in point of efficiency, thoroughness and politeness. I have no idea of the London Police myself. Mr. Gandhi is a person who has travelled all over the world, and it is really a compliment to our Police..............

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Can the Commissioner expect a greater reward than that?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): There may b, greater rewards and still greater rewards in time to come. But,

I want to encourage my men by granting money rewards. If this small demand is granted it will only further improve their behaviour towards the public.

As regrds the distribution of the amount, of the sum of Rs. 600, Rs. 300 goes to the Constables, Rs. 105 to the Head-constables, and the balance to 17 Inspectors and 3 A. S. P's. No D. S. P. is to get any portion of this amount.

MR. S. J NAIR (*Nedumangad*): Could not the A. S. P's, also be excluded in that manner?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): The A. S. P's. form the 'brain' power and the constabulary the 'limb'. What is the use of having the limb alone without the brain. For direction and control, brain is necessary. (*Laughter*).

MR. A. THANU PILLAI (*Trivandrum-Rural*): Is there not the Police Commissioner to supply brain power? He does not seem to figure in the scheme at all.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Yes.

So far as this amount is concerned I have already stated how much of the amount goes to the Constables and what proportion goes to the superior officers. I have already explained how the A. S. P's. deserve the reward.

MR. K. R. ELENKATH (*Kalkulam I*): Were all the best men in the Police Force engaged for this purpose?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): It is not possible to depute all of them.

MR. K. R. ELENKATH (*Kalkulam*): In that case, is it not depriving other able men of the opportunity to earn rewards?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): All the 2,000 officers in the Police Force cannot be concentrated in the Trivandrum town during festive occasions. We have selected the best officers in the department.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether there is any objection to call this reward as an allotment for extra work?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): This is a reward not only for meritorious work done by the Police but also for the preservation of law and order. There are virtuous qualities which are expected to be exhibited by a Police Officer and for which rewards are to be given. The grant that I have asked for is only for a particular behaviour of the Police viz., the meritorious services done by them during the visit of Gandhiji in connectien with the Temple Entry celebration. No Policeman has been responsible for any offensive act during the recent festivities.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know whether all the Constables engaged in this work will get a portion of this reward?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Yes. I do not make any distinction between one policeman and another.

MR. A. THANU PILLAI (*Trivandrum Rural*): Then, why not call this a payment for excess work done by them?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Over-time work is a different thing. There is difference between payment for over-time work and reward for meritorious service.

MR. K. R. ELENKATH (*Kalkulam I*): What is the amount that is proposed to be given to a Constable?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): One rupee for each Constable; it is only as a sort of encouragement to these people. We feel hailed when we take a cup of coffee during certain occasions. It is only in that manner the Constables will take the reward. If rewards are made like this during occasions involving extra strain to the Constables, they will feel encouraged.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Then what about the A. S. P's.?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Because they are superior officers they require superior food. They will not be satisfied with a cup of coffee alone.

PRESIDENT: Should we go to the ultimate destination of the one rupee affair? (*Laughter*).

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I have nothing more to add.

MR A. S. DAMODARAN ASAN (*Mavelikara*): May I know the balance available out of the budget allotment for rewards?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): For all the three Districts together the amount is inadequate; we have only Rs. 100 left.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I move an amendment? The amount to be paid as reward to the constabulary may be put to vote separately.

PRESIDENT: That was why I invited the honourable members to make amendments if they are so minded, in the beginning. But none of them came forward with any amendment.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): That was because we did not know what the Police Commissioner was going to say.

PRESIDENT: Now the discussion is not concluded. Therefore the honourable members are at liberty to propose any amendment at this stage.

MR. A. THANU PILLAI (*Trivandrum-Rural*): With your permission Sir, I beg to make the following amendment *viz.*,

> "the allotment of Rs. 600 be reduced to Rs. 405 and that the grant be limited to making payments to the Constables and the Head-constables, the amount being considered as allowance for over-time work."

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): I second it.

MR. PITCHU AIYANGAR (*Commissioner of Police*): May I speak on the amendment, Sir.

PRESIDENT: Yes.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Honourable members will be aware that complaints come to me about the subordinate officers of the Police department, and that there is lack of direction by the superior officers of the department. It is brain power that is very important. Such officers alone can be alive to the sense of

responsibility in the discharge of work. As I said, and I repeat it again, the superior officers form the brain and the subordinate officers the limb; and they are required for control and dierection of the subordinate officers, In voting this demand, I requst that the members will consider this aspect of the matter.

MR. K. PADMANABHAN (*Chirayinkil I*) : Was there not a time when the Police functioned without the A. S. P's.?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : Yes. At that time there were Circle Inspectors now, A. S. P's. have replaced them. There was the brain there, always.

MR. E. V. KRISHNA PILLAI (*Pathanamtitta*) : Will not the brain be satisfied with good service entry records?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : I have considered the question carefully, and I have made the choice; good service entry will not be sufficient in the present case. I have explained to the House the importance of the case and how the supervising officers should be given money rewards.

PRESIDENT : The motion before the House made by the Police Commissioner is that this House should grant a sum of Rs. 600 for rewards to the Police Officers in connection with festivities at Trivandrum. To that motion an amendment has been moved that the sum of Rs. 600 should be reduced to Rs. 405 and the rewards, or the allowance as they may be called, should be confined to the Constables and the Head constables. I now put the amended motion to the vote of the House.

The amended motion was put to the vote of the House and carried and the grant was made.

GENERAL ADMINISTRATION, EXCLUDING FINANCIAL SECRETARIAT, ACCOUNT OFFICE AND LEGISLATIVE BODIES.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : Sir, I move for a grant not exceeding Rs. 2,620 under Demand V—General Administration, excluding Financial Secretariat, Account Office and Legislative Bodies. This amount is required for payment to the staff engaged for the Revision of the State Manual. Honourable members know that the State Manual is now being revised and that a provision of Rs. 7,000 is included in the Budget for the current year for the purpose. This amount was included in the Budget at a time when Government did not decide who should be entrusted with the work, what remuneration should be pay to him and what staff should be sanctioned to him. It was only possible to include an approximate figure in the Budget. Now, we have settled all those details; the gentleman to revise the State Manual has been chosen and he has started the work.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : May I know why the Government considered that a revision of the State Manual was necessary?

PRESIDENT: When was the State Manual prepared?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Some thirty years ago.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): So, is it for the incorporation of events subsequent to the publication of the Manual, or for the revision of even the facts contained in it that the revision has been arranged for?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The whole publication has to be examined. Government think it useful to have a publication more or less on the lines of the District Gazetteers of the Madras Presidency. The present State Manual is a useful publication, but it has to be compressed into reasonable proportions. It should be a book of reference on various matters of Travancore. Government therefore think it necessary not merely to add what has taken place subsequent to the publication of the present State Manual but even to revise and condense what is already there. Sadasya Tilaka T. K. Velu Pillai has been entrusted with the work and the Government have promised him an honorarium of Rs. 7,000. He cannot do this work alone; he has to be assisted by a staff. There is no provision for that in the Budget. A staff has since been entertained, consisting of a manager on Rs. 75, 3 clerks on Rs. 25 each, a stenographer on Rs. 30, a typist on Rs. 25 and 5 peons on Rs. 9 each. Besides these Mr. G. R. Pillai, Assistant Registrar of Co-operative Societies and Mr. P. N. Kunjan Pillai, Ag. Lecturar in the Arts College have also been deputed to work in collaboration with Mr. T. K. Velu Pillai. They have to be paid their ordinary salary. Besides these, Messrs T. K. Joseph, K. Sivaramakrishna Sastri, V. Venkitarama Sarma and K. Damodaran have also been asked to assist the Special Officer. These gentlemen have done some special work of historical importance in various branches and they have been asked to assist Mr. Velu Pillai during holidays and leisure hours for which they will be paid a bonus. Mr. T. K. Joseph will be paid Rs. 100 and the others Rs. 75 each. The amount required for the pay of the staff for four months comes to Rs. 2,000 and a sum of Rs. 220 for contingencies is also included in the demand.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know the special qualifications of these officers?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I think it is known to the Honourable members that Mr. T. K. Joseph has done some work of historical importance; so also the other gentlemen.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know whether any revision of the statements in regard to the historical facts is considered necessary?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): It may be that new facts have been brought to light since the publication of the State Manual, and in the light of such new discoveries it may be necessary to revise the Manual.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know how the Government came to know that there were new facts discovered?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The Archeological Department has brought to light several new facts and so also the work of scholars like Mahakavi Oollur S. Paramesvara Aiyar. These should be incorporated in the State Manual.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know who is the final authority to make these corrections?

PRESIDENT: I think it would be convenient if Honourable members will say what they have to say at the end of the Chief Secretary's remarks.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): When does the period of four months begin?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Mr. T. K. Velu Pillai entered upon his duty on the 17th of October 1936 and the staff he has asked for has been sanctioned from the 7th of January 1937. So, the period of four months commences from the 7th January 1937, and it is hoped that during this period the work, or at least a major portion of it, will be finished, that is why provision is made only for four months.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether in the intervening period since October, any work was done by the Special Officer?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I think so. The total amount required is Rs. 2,620. Without the staff, Mr. T. K. Velu Pillai will not be able to make much head-way. I hope the House will allow the demand.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether the persons who have been appointed in the place of the officers appointed to help the Special Officer are given the same salary?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Assistant Registrar of Co-operative Societies Mr. G. R. Pillai has been appointed as an assistant to the Special Officer and the person appointed in his place gets the starting pay of the Assistant Registrar.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether the place of of the Assistant Registrar is kept vacant?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether any saving has been effected by these arrangements.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): As Assistant Registrar Mr. G. R. Pillai was getting the minimum pay of the appointment, Rs. 150 and as Assistant to the Special Officer he gets the same pay there is no saving on that account.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I rise to a point of order, whether savings effected in other departments are relevant to the discussion before the House.

PRESIDENT: There is a thirst for information.

MR. K. R. ELENKATH (*Kalkulam I*): In the place of the person selected to assist the Special Officer, another on a lower salary may be appointed; and a saving may thus be effected.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I have explained the necessity for the grant I have asked for. It is required for the payment of salary to the staff and bonus to the officers and for contingencies. I hope the House will allow the demand.

MR. P. C. KURIYAN (*Kottayam I*): May I know whether the original provison did not include the pay of the staff.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): At that time it was not possible to include the amount required for the staff. Then it was not decided as to who should be entrusted with the work, what work he would have to do, what honorarium should be paid to him and what staff would have to be sanctioned. It was subsequently decided that the gentleman chosen should be given an honoarium of Rs. 7000; and that is all the amount that is provided in the budget.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know whether it was in the contemplation of the Government that an additional amount would be required, besides the honorarium, for payment to the staff?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): It was not at first decided whether it should be entrusted to a non-official on payment of an honorarium; or to an officer already in service. It was subsequently decided that it should be entrusted to a non-official.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know whether, when the sum of Rs. 7,000 was provided in the budget, it was in the contemplation of the Government that it should cover the whole expenditure, including the pay of the staff and the salary for the officer or the honorarium for the non-official?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): It was only an approximate figure. The exact amount could not be known then. It was thought that it would be possible to get a competent non-official for less than the honorarium now fixed.

MR. P. C. KURIYAN (*Kottayam I*): May I know whether the honorarium is to be paid according to the work done or the status of the person?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): According to the merits and qualifications the person.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know whether applications were invited from non-officials?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Government considered the claims of several non-officials; and they think that the one selected is the best.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know the names of some of the non-officials who had applied?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I am sorry, I cannot give out the names.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether the scheme of entrusting the work to a committee was considered?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I saw it stated in some newspapers that the work might be entrusted to a committee. But the Government thought it better to entrust it to a single individual.

MR E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know whether any officer was thought of by Government, for this work.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): What the Government thought of or contemplated to do is confidential.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether any instructions were issued as to the period within which the work must be completed?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Why was it considered by Government that no officer under Government would be competent to do this work?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I have already given the reasons why Government chose a non-official to do this work.

MISS HEPZIBHA GNANASIKAMONY (*Nominated*): Sir, I support the demand; but I wonder why this should be brought as a supplementary demand. The sum demanded *i. e.*, Rs. 7, 000 seems to be a fair sum. The person who should do this work, whether he be a non-official or official will need extra clerical staff; and Government ought to have foreseen this and specified everything even at the time of the framing of the general budget.

The reason why I support this demand is this. The State Manual. is not available anywhere at present. We are using books which were printed once upon a time. Travancore History is now made compulsory in the VI Form and to teach History in the VI Form, the State Manual is a very useful book. Apart from the point of view of examination it is very good to have a proper record of Travancore History. Regarding the person who has been appointed to do this work, I think the Government have chosen the right person. Mr. T. K. Velu Pillai has already written a history of Travancore which is very valuable for the students in the High Schools.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, on a point of order. The motion before the House is for a supplementary grant. May I know whether a general discussion on the demand can be allowed on this occasion? The question of propriety or otherwise of the choice of the person does not arise at all,

PRESIDENT : The honourable member will proceed.

MISS HEPZIBAH GNANASIKAMONY (*Nominated*) ; Sir, I have to make another suggestion also. The Chief Secretary said that the book must be compressed.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Did he say compressed?

MISS HEPZIBAH GNANASIKAMONY (*Nominated*) : Sir, he did say "compressed". I have noted it down. If it is compressed, I do hope that portions will not be left out ; the details must not be left out. In fact I want more pictures and more details to be added so that it may be a solid and full record of the history of our State. With these words I support the demand.

PRESIDENT : The motion before the House is that the House should grant a sum not exceeding Rs. 2,620 for the staff for the revision of the State Manual.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Sir, I want to raise an objection. I thought that discussion on this motion will be continued after lunch.

PRESIDENT : I looked round to see whether any honourable member intended to speak on this motion. But nobody seemed to rise. I thought of prolonging the discussion five or six minutes more because we started a little late. But I am entirely in the hands of the House. When I look round I expect honourable members to be on the alert.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : On a point of order, Sir. Why not we take up the discussion after lunch ?

PRESIDENT : There is no point of order in that.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Sir, I must say that this method of bringing in supplementary demands must be protested against by the House. Government members should not be heard to say in this House that they did not consider properly when they put forward demands in the budget. That goes against the very fundamental principle which ought to guide Government in making allotments in the budget. We are led to suspect from the disclosures made by the Government member whether items like this have not been provided in the budget, without due consideration. If that be so, the budget is not going to be a guide of our financial position. It is a serious matter, and the Government must explain how the Budget allotment happened to be fixed at Rs. 7,000. Government ought to have considered the work involved and then made the provisions, and they ought to have chosen a suitable person for the amount allotted in the Budget. The Budget ought to have provided for the necessary staff also. Sir, it is very difficult for us to oppose when a demand is made for a necessary purpose. Our position is very delicate. The State Manual needs revision, and so we are not in a position to deny the facilities for doing it. I must say, Sir, that Government are putting us in a very difficult position by bringing in a supplementary demand under such circumstances. They have provided for this in the budget with a simple statement "Revision of the State Manual Rs 7000". By no stretch of imagination could we realise that

it did not include the provision for the staff. Any reasonable man will take it that the allotment of Rs. 7000 was for the honorarium, for the pay and allowances of the staff, for the pay of the peons, for contingencies, etc. That is the only way in which it could be understood. That is my first complaint against this demand.

Also, we ought to pay particular attention to restrict the loose way in which supplementary demands are made. Sir, there are specific rules stating under which circumstances a demand for a supplementary grant can be made. Government must have been in a position to foresee this expenditure when they framed the budget. May I ask what prevented them from foreseeing the possibility of an eminent man taking up the work of revising the State Manual? Did they not know which person should be appointed and what honorarium should be given? I say that it could have been easily ascertained. If the Government had gone for a man of the lower status but one who is equally competent to do this work, they might have saved something out of the honorarium. I cannot understand why an expert on co-operation from the Co-operative Department has been chosen to do the work of revising the State Manual. I know that gentleman is the author of some books and he has got a facile pen; but, my fear is that he may be entrusted to do the whole work.

MR. A. THANU PILLAI (*Trivandrum-Rural*): What harm is there if, as the member says, he is competent to do it?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): That is what I am also driving at. If that gentleman is to do the whole work, where is the necessity for a sum of Rs. 7,000 as honorarium to another gentleman. It is also not clear whether all the staff asked for is necessary or not. I have also got another doubt, namely, whether the Government will not come in with another supplementary demand and for a further extension of the period.

PRESIDENT: The honourable member is rather pessimistic this morning.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I want an assurance from Government that this supplementary grant would be actually utilised only after carefully considering all the aspects of the matter, and I do hope that the Government will not come forward again with a further supplementary demand for this item

The House adjourned for lunch at 1-11 P. M., and reassembled a 2-2 P. M. with the President in the Chair.

MR. A. EASWARA PILLAI (*Kalkulam II*): Sir, I beg to point out that the right person had been chosen for the revision of the State Manual. He is a person who knows Tamil, Malayalam and English.

PRESIDENT: I do not think that comes within the scope of this supplementary grant.

MR. A. EASWARA PILLAI (*Kalkulam II*): I support this motion and beg to add that a competent person has been appointed.

The motion was put to the vote of the House and carried and the grant was made.

AYURVEDA.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Sir, I beg to move for a grant not exceeding Rs. 3,200 under Ayurveda. This amount is intended for the payment of the rent for the buildings in which the Ayurveda College and the Pharmacy are located. There is provision in the budget for the current year's rent; but an additional amount is required to pay off the rent from Mithunam 1109 to Mithunam 1111. Provision was made in the budgets for those years but there was nobody to receive payment, and the provisions lapsed. The owner was a minor and the rent could not be paid to him. Now, he has become a major, and the arrears of rent have to be paid. The total amount required is Rs. 3,200. I hope the House will allow this demand.

The motion was put to the vote of the House and carried. The grant was made.

PUBLIC HEALTH AND SANITATION.

MR. JAMES SIMPSON (*Durbar Physician*): Sir, I beg to move for a grant not exceeding Rs. 6,500 for the continuance of the temporary hospitals and dispensaries opened in connection with the out-break of Malaria epidemic in the Neyyattinkara and Nedumangad Taluks. In connection with the outbreak of malaria in an epidemic form, in August 1935, in certain areas of the Neyyattinkara and Nedumangad taluks, Government sanctioned the opening of temporary hospitals and dispensaries for the treatment of malaria patients, meeting the expenditure from the allotment under "Prevention of Epidemics-other epidemics", in the budget of the Public Health Department. These temporary institutions and their staff were reduced from time to time according to the improvement in the situation of the disease. Their continuance till the end of Vrischigam 1112 has already been sanctioned by Government. The Director of Public Health and myself after local inspection, reported that the disease has become endemic in the above areas and that there are still numerous cases of relapses among the infected population. The continuance of these temporary institutions for a further period of six months from the 1st Dhanu 1112 has therefore been recommended. The institutions, as well as the staff, to be continued are:

Chemboor. Medical Officer, compounder, peon, warder, and part time scavenger.

Perumkadavila: Warder, part time cook, and scavenger.

Kunnathukal: Medical Officer, compounder, peon, warder, and scavenger.

Kottukal: Compounder and peon.

Maranallur: Compounder and peon.

Kallikad: Medical Officer, compounder and peon.

District Hospital, Neyyattinkara: Sub Assistant Surgeon, clerk, peon, cook, female sweeper.

Aryanad: Medical Officer, compounder, peon, waterman, cook and scavenger.

Sanitary Inspectors: Three Sanitary Inspectors on Rs. 40 plus P. T. A. Rs. 8 and two Sanitary Inspectors on Rs. 25 plus P. T. A. Rs. 8.

The total expenditure for continuing them for six months comes to nearly Rs. 6,500. Government therefore propose to move for a supplementary grant of Rs. 6,500. I hope the House will allow the demand.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know whether the treatments given in these hospitals are standard treatment?

MR. JAMES SIMPSON (*Darbar Physician*): They give the treatment that is considered best for Malaria.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Is it the idea of Government to make these hospitals permanent?

MR. JAMES SIMPSON (*Darbar Physician*): That is not under the consideration of the Government.

The demand was put to vote and carried and the grant was made.

CURRENCY AND MINT.

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): Sir, I beg to move for a grant not exceeding Rs. 1,700 for the temporary re-opening of the Mint. There is also another demand on the same subject which may be taken together. I move for a demand for grant not exceeding Rs. 2·05 lakhs for minting silver and copper coins. We shall take the second demand first as the first is dependant upon the second.

It is several years since the coins of the State were minted. The silver coins now in circulation were minted in 1106 and 1107. No coins were minted since the accession of His Highness the present Maharaja. Copper coins such as one chuckrams, half-a-chuckrams and quarter-chuckrams were minted so long ago as 1095 *i. e.*, about 17 years ago. Government therefore propose to arrange for the minting of the following coins. Silver coins to the face value of Rs. 2 lakhs and copper coins to the face value of Rs. 1,75,000.

MR. K. P. KRISHNA MENON (*Parur*): May I know whether one-rupee coins are to be minted.

RAO BAHADUR A. RANGASVAMI AIYAR (*Financial Secretary to Government*): No, Sir, only half-rupees are to be minted. It is urgent that this should be taken up now since the price of copper is rising; and, on account of the trend of international situation, silver also may rise in value. We cannot delay it for one moment.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): What is the value of the coins now in circulation?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): The coins now in circulation amount to about 9 lakhs of rupees.

The fact that there are several counterfeit coins in circulation shows that there is a demand for coins in the market. Otherwise, there will be no scope for counterfeit coins.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : Will the re-opening of the Mint add to the number of counterfeit coins, or reduce it ?

PRESIDENT : It depends on the skill with which the new coins are manufactured ?

RAO BAHADUR A. RENGASVAMY AIYAR (*Financial Secretary to Government*) : We have to satisfy the demand of the public for more coins. The public apparently absorb counterfeit coins, as there is a scarcity of genuine coins.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Sir, at one time our silver coins were minted outside.

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*) : Even now it is proposed to be minted outside the State, at Birmingham.

PRESIDENT : Honourable member may add that there are proposals for starting our own Mint.

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*) : The question of re-organising our Mint and making it self contained so that it can manufacture our coins locally is under consideration, but we cannot do it this year for want of buildings, machinery and trained staff. It will take some time and hence the work is now proposed to be entrusted to the Birmingham Mint, this year.

The advance will be recouped when the coins are manufactured and included in the cash balances of the Treasuries. We hope to make a profit of Rs. 1,70,000 out of these transactions.

As regards the silver coins, we propose to entrust the work to the Birmingham Mint. As regards the copper coins, we propose to get blanks manufactured by the Birmingham Mint and do the pressing and stamping here as was being done hitherto. For that purpose, a staff is necessary. In the second demand I have asked for the necessary staff, which is to consist of :—

1 Clerk-Cashier on Rs. 25 + Rs. 3 L. A.
1 Coin-Examiner & Weigher on Rs. 20.
1 Nottam on Rs. 18.
1 Foreman-Mechanic on Rs. 18.
3 Coiners on Rs. 18 each
12 Assistant Coiners, 3 on Rs. 12.
3 on Rs. 13.
3 on Rs. 14.
and 3 on Rs. 15.
1 Peon on Rs. 11.
2 Servants and 1 Bellows-Boy—each Rs. 9.

A local allowance of Rs. 15 per mensem is also proposed to be given to the Superintendent, Stamp Manufactory for supervising the work in the Mint.

As I said already we hope to make a net gain of about Rs. 1·7 lakhs. I request the House to sanction this demand.

The question that a sum of Rs. 1,700 be granted under Currency and Mint and Rs. 2,05,000 under Debt Head-Advances for minting silver and copper coins, was then put to vote and carried and the grant was made.

SCIENTIFIC AND MISCELLANEOUS DEPARTMENTS.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Sir, I move for a grant not exceeding Rs. 2,200 under Scientific and Miscellaneous Departments for the preparation of a descriptive catalogue of the manuscripts in the Palace Granthapura and the Curator's office. Sir, when the budget for the current year was under preparation, the question of reorganising the Curator's department and appointing more staff, to prepare catalogues and to do various other things came up for consideration. Mr. Sambasiva Sastri, the Curator, went on tour to Baroda, Kashmir and other places. On his return he submitted very elaborate proposals for reorganising his department. The Government considered it necessary to give him some additional staff and proposed that a sum of Rs. 3,000 might be included in the budget. This was placed before the Finance Committee and they were of the opinion that before the provision was made in the budget the Managing Committee, appointed in connection with the Oriental Conference proposed to be held in Trivandrum in December 1937 should be asked to scrutinise the proposals and submit its considered recommendations. The provision included in the budget tentatively was therefore deleted and the Committee was asked to scrutinise the proposals of the Curator and send up its own recommedations. The Committee considered the proposals and submitted its recommendations. It pointed out the urgent necessity of attending at least to this item of work, namely, the preparation of a descriptive catalogue of the manuscripts in the Palace Granthapura and in the Curator's office. This recommendation was made in view of the Oriental Conference that is going to be held in December 1937. The work is urgent, and the proposals submitted by the Curator and scrutinised by the Committee have been considered by Government and they have decided to make a provision of Rs. 2,200 for the current year. The staff proposed to be appointed consists of 12 Pandits, one clerk-typist, two attenders and three peons. For contingencies a sum of Rs. 300 is required. The total amount required for four months from the 1st Meenam is Rs. 2,200. It is hoped that the work will be finished by about the beginning of Thulam next year, that is, just before the meeting of the Oriental Conference. The provision for Karkatakam 1112 and the succeeding months of 1113 will be included in the budget for the next year, and the House will then have a chance of discussing the question once again. The present allotment is only for meeting the pay and contingencies for the current year. The work is urgent and so Government have come up with a supplementary demand.

The Demand was then put to vote and carried. The grant was made.

MISCELLANEOUS CHARGES.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Sir, the next demand is for a sum of Rs. 2,925 under Miscellaneous Charges for the purchase of copies of a supplemental volume of the Regulations and Proclamations of Travancore proposed to be published. Honourable members are aware that so far seven volumes of the Regulations and Proclamations of Travancore have been published as well as a supplement of the seventh volume which brought up the enactments to the end of 1109. The Regulations and Proclamations and the rules published since the end of 1109 are now proposed to be published in a separate volume. The proposal is to permit a private legal practitioner, who has applied for such permission, to publish this volume more or less on the same conditions and terms as those on which the previous volumes were published. The previous volumes which contained 1,000 pages and more were purchased at Rs. 10 a copy and 800 copies of each volume were purchased. The present volume will contain approximately four hundred pages, and Rs. 4 as. 8 has been tentatively fixed as the price of the volume. Government propose to purchase only 650 copies of the book. It is found that out of eight hundred copies of the previous volumes purchased more than one hundred copies still remain in stock. It will therefore be enough if 650 copies are purchased.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): May I know the name of the gentleman to whom this work is proposed to be entrusted?

RAO BAHADUR RAJYASEVANIRATHA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Mr. M. Chockalingam Pillai B. A., B. L., High Court Vakil, Trivandrum. Negotiations were going on between the Government and the applicant. Finally, towards the beginning of this year it was decided to accept the terms offered by him. Government propose to entrust the work to him on the conditions specified and require a sum of Rs. 2,925 to purchase 650 copies of the volume.

The demand was put to vote and carried. The grant was made.

LEGISLATIVE BUSINESS.

THE TRVANCORE INCOME TAX REGULATION (AMENDMENT) BILL.

PRESIDENT; The next item of business before the House is the consideration of the Travancore Income Tax Regulation (Amendment) Bill. I understand that no amendments were received till 11 o' clock this morning. Certain elaborate amendments have reached me now. One amendment was received after 11 o' clock this morning and two others were received at 2·25 P. M. It is highly inconvenient that amendments are handed in at the last moment. This is a fiscal measure of great complexity. I therefore propose to ask the House before I take any action, whether any member objects to the moving of these amendments. When objection is made I shall deal with the matter.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) ; Sir, I object to these amendments.

PRESIDENT : I rule that these amendments cannot be considered.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I rise to present the report of the Select Committee on the Travancore Income Tax Regulation (Amendment) Bill and beg to move that the Bill as reported be taken into consideration.

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*) : I second it.

The motion was put to vote and carried.

Clauses 1 to 10.

The question that Clauses 1 to 10 do stand part of the Bill wa then put to vote and carried.

The clauses were added to the Bill.

Clause 11.

PRESIDENT : Now the question is that clause 11 stand part of the Bill.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : I oppose it. I oppose Clause 11, sub-clause (2) which did not find a place in the original Bill, but was an addition by the Select Committee.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): On a point of order. Mr. Sambasiva Aiyar is only opposing a particular portion of Clause 11. Therefore, in effect, it is only an amendment. He can only oppose the whole clause now.

MR R SAMBARIVA AIYAR (*Kunnatnad* II) : I only oppose that portion of the clause which was incorporated by the Select Committee.

PRESIDENT : The point raised by the Law Member is that, in the manner in which the honourable member has addressed his remarks it would amount to an amendment that Sub-clause (2) be deleted, That is not permissible now. It is open to the honourable member to oppose the whole clause.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : Then I oppose the whole clause.

Strictly speaking the clause is not quite necessary. It is open to the Income Tax Collector to get all the information he wants from banks and firms. Under this provison the banks and firms will have to disclose all their secrets to Income Tax Officers in all cases, whether there is any necessity for that or not. What is sought to be done by Clause 11 is a statutory obligation upon every company and firm that whether Income Tax Officers require the information or not, they must furnish certain specified statements containing highly confidental information to the taxing authorities every year before a certain date. The officers of companies have to say what amount of dividends they have distributed to each share-holder and the managing director of banks have to say what amount of interest has been given to each depositor. My submission is, it is not necessary to enact this particular provision in this Regulation and thus impose a statutory liability upon banks and companies.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) ; It will be noticed that the clause really places an obligation

on the principal officers of every company or firm to keep proper books of accounts and it is very easy for them to furnish this information so that there may not be any leakage of revenue in respect of income tax. In regard to sessments, if sufficient power is not given to the officer to call for such information by efficient application of the rules, it may not be easy to prevent leakage of revenue. This clause was considered by the Select Committee at length and after considering all the aspects this particular provision was introduced by the Select Committee.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): A word by way of reply. It is open to the Income Tax Officer to call for any information he wants from the banks or firms even now. That being so, why should a further obligation be imposed on them to furnish information which might ultimately be found to be quite unnecessary? My point is that this sort of fishing for information should not be permitted.

The question that Clause 11 do stand part of the Bill, was put to vote and carried.

The clause was added to the Bill.

Clauses 12 to 34.

The question that Clauses 12 to 34 do stand part of the Bill was put to vote and carried.

The clauses were added to the Bill.

Schedule

The question that the Schedule do form part of the Bill was put to vote and carried.

The Schedule was added to the Bill.

Preamble.

The question that the Preamble stand part of the Bill was put to vote and carried.

The Preamble was added to the Bill.

Title.

The question that the Title of the Bill do stand part of the Bill was put to vote and carried.

The Title was added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the Bill be taken up for the third reading.

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*). I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*); There is however a small amendment to be made in the Short Title of the Bill, which I shall move first.

Sir, I move that that the figure "2" be added at the end of the figure "111" in the Short Title.

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I second it.

The amendment was put to vote and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I now move that the Bill as amended be passed.

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I second it.

The motion was put to vote and carried.

The Bill was passed.

THE TRAVANCORE FOREST REGULATION (AMENDMENT) BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I move that the Travancore Forest Regulation (Amendment) Bill be taken up for consideration.

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I second it.

The motion was put to vote and carried.

PRESIDENT: I now find that an amendment has been forwarded by Anchal and has reached me at 1. 15 p. m. and the amendment is that the Bill be dropped.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I object to that amendment.

PRESIDENT: The amendment is ruled out of order.

Clauses 1 and 2.

The question that clauses 1 and 2 do stand part of the Bill was put to vote and carried.

The clauses were added to the Bill.

Preamble

The question that the Preamble stand part of the Bill was put to vote and carried.

The Preamble was added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I proceed to the third reading of the Bill.

Before I make the motion I have to move a small amendment to the Short Title of the Bill. I move that in Clause 1 figure "2" be added at the end of the Short Title.

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I second it.

The amendment was put to vote and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I move that the Bill as amended be passed.

The motion was put to vote and carried.

The Bill was passed.

THE TRAVANCORE IDENTIFICATION OF PRISONERS BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) Sir I beg to present the report of the Select Committee on the Travancore Identification of Prisoners' Bill, and beg to move that the Bill as reported be taken into consideration.

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I second it.

The motion was put to vote and carried.

PRESIDENT: There are some amendments to this Bill They have been received by the Anchal at 1. 30. I wish to know whether any member objects to these amendments.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I object.

PRESIDENT. Objection having been taken, I rule the amendments out of order.

Clause 1

The question that Clause 1 do stand part of the Bill, was put to vote and carried. The clause was added to the bill.

Clause 2.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I move the following amendment:

"*In Clause 2, (b), substitute the word "Inspector" for the word ,,Sub-Inspector.*"

My first and main objection is with regard to the conferring of the powers under this measure, upon officers below the rank of the Inspectors. There are no Sub-Inspectors now in the general Police Department. There are, I find, about 6 Sub-Inspectors in the C. I. D. Of course, there were Circle Inspectors and Sub-Inspectors before the Police Department was reorganised. In British India, there are Sub-Inspectors, and this word is used in the British Indian Act. That must be the reason why, forgetting the fact that the office of Sub-Inspectors have been abolished in this State, that word is retained here. The argument that there are some Sub-Inspectors in the C. I. D. is not sufficient justification for the retention of this word. Moreover, it is always better that such wide powers are invested only in persons of a sufficiently high rank in the Police Department. In the same sub-clause, previous to the portion that I now seek to amend, mention is made of a Police Officer making an investigation under Chapter XIV of the Criminal Procedure Code. I see no reason why we should confer the wide powers under this measure on officers of the rank of a C I. D. Sub-Inspector. With these words, I place the amendment for the acceptance of the House.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose this amendment. Let me say at the very outset that it was not by a mistake that the word Sub-Inspector was put in. It has been deliberately put in by the mover of the Bill, and it has been examined and passed by the Select Committee. We have as a matter of fact Sub-Inspectors in the C. I. D. Therefore that objection on this account cannot stand.

In regard to the other objection that this power should not be conferred on Sub-Inspectors, the Sub-Inspectors that we have at present are in the C. I. D. The powers available under this Section will have to be used to a very great extent by the C. I. D. and Sub-Inspectors are an important class of officers in the C. I. D. It will be seen from this Clause itself that even Head constables can make use of these powers if they happen to be in charge of Police stations. So, objection cannot be raised on the ground of the status of the Sub-Inspectors. I may add that the C. I. D. officers are mainly responsible for detecting crimes; and it is for that purpose that such power is needed. It seems to me that we will be considerably restricting the scope of the Bill if we restrict the powers of the Sub-Inspectors of the C. I. D. I oppose the amendment.

The amendment was put to vote and lost.

The question that Clause 2 do form part of the Bill was then put to vote and carried.

The clause was added to the Bill.

Clauses 3 to 9.

The question that Clause 3 to 9 do form part of the Bill was then put to vote and carried.

The clauses were added to the Bill.

Preamble.

The question that the Preamble do form part of the Bill was then put to vote and carried.

The Preamble was added to the Bill.

Title

The question that the Title do form part of the Bill was then put to vote and carried.

The Title was added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall now proceed to the third reading of the Bill. I beg to move that the Bill be passed.

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I second it.

PRESIDENT The question before the House is that the Bill be passed.

The motion was put to the vote of the House and passed.

The Bill was passed.

THE TRAVANCORE BAR COUNCIL BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir I beg to present the Report of the Select Committee on the Travancore Bar Council Bill and move that the Bill as reported be taken into consideration.

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I second it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I oppose the motion and move that the Bill be recommitted. My first reason for this motion is that the Select Committee has introduced an amendment of far-reaching effects in Clause 9, sub-clause (3) by providing that all those who are First and Second Grade Pleaders on the 1st Chingam 1113 can become advocates, and get all the privileges of advocates under this Bill by passing an examination conducted by and under the supervision of the Bar Council to be constituted. The idea of this change made by the Select Committee formed the subject matter of a Bill brought forward by my friend Mr. S. J. Nair in a previous session of the House. When that Bill was considered the Law Member stood up and hotly contested against the First and Second Grade Pleaders being allowed to practise before the High Court. Now, the Select Committee has reported allowing that, and one Honourable member alone has appended a note of dissent. I find that the Law Member has not given out any opinion. I am not able to know whether he accepts this provision, this violent change from the existing practice. I do not find any amendment either, in his name, so that I fear that a violent change must have come about in him for him to accept the view once rejected by him. We are not given the benefit of his legal knowledge,

[Mr. K. Kunjukrishna Pillai.]

erudition, and experience regarding this matter, on the effect and repercussions of this provision. We are not given the benefit of his views. That is comparatively a minor matter.

We have to consider this Bill not from the point of view of the larger benefits that may accrue to First and Second Grade Pleaders or the deprivation of the benefits to other classes of people, but we should consider the cause from the point of view of its effect on the administration of justice. I contend that the amendment that the Committee has brought about will lead to serious consequences. The Select Committee, in my opinion, ought to have done it after consulting the High Court which is vested with the responsibility of the administration of justice, at present, and from whose hands some powers are sought to be taken away under this Bill.

PRESIDENT: I realise the importance of the point. The Law member will probably enlighten the House, and probably, the House will find that his opinion has not changed. But at the same time I should like to know exactly what the point for the recommittal is.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): The Select Committee has not taken sufficient care to ascertain the opinion of the High Court. That is very necessary for making this serious change. Before introducing this change they ought to have referred the matter to the High Court. They did not give it the serious consideration that is required. So, this Bill ought to be recommitted to a Select Committee that will realise its responsibility and will refer the matter to the High Court and get their opinion before submitting its Report, and enable the House to consider this very important matter in the light of the opinion of the High Court. Therefore it is that I say that the Committee should reconsider this matter; because, it is a matter on which the House had first of all expressed an opinion contrary to the present change made by the Select Committee. It must also be stated that the Select Committee seems to have hurried up the matter. I understand that the meeting was called together only very lately, though there was ample time before the Convener of the Select Committee to do it earlier.

PRESIDENT: I do not want to interrupt the Honourable member at all. But I think it is my duty to point out that a recommittal means that this Assembly will have no chance of discussing the Bill. And, the Federal court will be established in October; the Chief Justice of the Federal Court has already been appointed. Naturally, the question will arise whether the status of our Bar should not be equal to that of the British Indian Bar so that our Advocates may have the privilege and the right to practise before the Federal Court and our Judges and Advocates may rightly aspire to be appointed as Judges of the Federal Court. I hope the honourable member will keep that aspect of the matter in mind in pressing his motion for recommittal of the Bill which is sure, to delay matters.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I was not aware of those circumstances.

PRESIDENT : Obviously if our Bar is inferior to other Bars and if our Statute is not brought in a line with the Government of India Act there is no chance of the equality of the status of our Bar being recognised.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Then, I do not press the motion.

The motion that the Bar Council Bill as reported by the Select Committee be taken up for consideration, was put to vote and carried.

Clause 1.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Sir, I beg to move the following amendment:—

> *In Clause 1* (iii), *omit the words "or any provision thereof specified in the notification."*

In this sub-clause, what is intended is that certain sections should come into force on a definite date, and that the remaining provisions should come into force on certain other dates to be notified by the Government. Of course, I admit that all provisions cannot be brought into effect on the same date. But it is not necessary that power should be conferred upon the Government to bring the provisions into effect in as many instalments as they like. It is certainly necessary that Sections 2, 17, 18 and 20 must come into force earlier than the other provisions of the Bill, but all the remaining provisions must be brought into effect on one subsequent date to be specified in the Government Notification.

The Clause now read thus:

> "This Section and Sections 2, 17, 18 and 20 shall come into force on...... and Our Government may, by notification in Our Government Gazette, direct that the other provisions of this Regulation or any provision thereof specified in the notification, shall come into force on such date thereafter as Our Government may by notification appoint".

I do not understand the necessity for the words "or any provision thereof specified in the notification". That means power may be left with the Government to bring into effect two or three sections on a subsequent date and the remaining sections on a further date. I find there is no necessity for that. I think that here also the provisions of the Indian Bar Councils Act have been blindly copied. But, there the provisions relate to different High Courts and the Act was not intended to be applied in the same form to all the High Courts. That must be the reason why an additional precautionary part of the clause was introduced there. The Law Member must explain the position.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The purpose of the provision is this. The usual practice is to bring all clauses into operation at the same time. Here, only sections 2, 17, 18 and 20 are to come into force at once. Sections 8 to 16 and 19 shall not be brought into force at once. It will be rather inconvenient. I shall explain why. Those Sections relate to the constitution of the Bar Council, the framing of rules and the like. All these sections should not be brought into effect at the same time. For instance take Section 8. This Section provides—

> "No person shall be entitled as of right to practise in the High Court or in any of the Courts subordinate thereto unless his name is entered in the roll of advocates maintained under this Regulation".

[Mr. Kayalam Paramesvaran Pillai.]

This Section should come into operation only some time after the Bar Council is constituted and the rules are framed. If not difficultie and deadlocks may arise.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether till the Bar Council is brought into being there should be no advocates?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. But provision is made for the constitution of the Council from among Vakils.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I do not press the amendment.

The question that Clause do stand part of the Bill was put to vote and carried.

The Clause was added to the Bill.

Clauses 2 to 7.

The question that Clauses 2 to 7 do stand part of the Bill was put the vote of the House and carried.

The clauses were added to the Bill.

Clause 8.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I beg to move the following amendment:—

In Clause 8 (1), first proviso, omit the words "but are not eligible for enrolment as advocates".

As the clause stands at present the right of Vakils who are practising in Courts subordinate to the High Court, and who are not High Court Vakils, to practice before the High Court is sought to be taken away unless they become advocates, that is to say, the rights vested in Vakils who are not now High Court Vakils are to be taken away unless they get themselves enrolled as advocates immediately. I do not know as to what the exact object of this clause is which deprives the Vakils of their existing rights. In British India, there is no such provision which carries retrospective effect and deprives the members of the bar of their vested rights. In section 8, it is stated thus:

> "Provided that those who are enrolled before this *Section* comes into force as Vakils of any Court subordinate to the High Court but are eligible for enrolment as advocates shall be entitled to practise as Vakils so long as their enrolment remains in force".

And so, after this Section comes into force the qualification of the advocates have to be prescribed and persons who are not High Court Vakils before the date of coming into force of this Regulation, have to be enrolled as advocates. That means there would be a period during which Vakils practising in District Courts will not be able to continue their practice. Here we have used originality by deviating from the Indian Bar Councils' Act. I am of opinion that it is not quite necessary to divest the members of the Bar of their vested rights. It is not evident from the clause as it stands that public interests demand uch divesting of vested rights.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose this amendment. Mr. Asan is quite right in saying that certain vested rights will be taken away by the insertion of the words "but are not eligible for enrolment as advocates." It is therefore necessary that I should explain this. At present besides the High Court Vakils there are the first grade and second grade Vakils. There are at present about 1200 Law Graduates or so already enrolled as High Court Vakils, and there are about 800 to 900 Law Graduates yet to be so enrolled but are now enrolled as Vakils in the District Courts only. When we are trying to set up a Bar Council we must try to bring in all those who are qualified to be advocates into the field from which the council is chosen even if that may cause some hardships to some individuals. I am however proposing to mitigate the hardship. The enrolment fee, which is a stamp duty for enrolment in the High Court, is Rs. 350. This is proposed to be reduced. I consider it very important that in any event the electorate of the Bar Council should be as large as possible so that the Council may be representative in a real sense of the first class legal practitioners. The Law Graduate legal practitioners practising in District Courts must also therefore be brought in if necessary even by compulsion. Therefore all these Law Graduates must be compelled to be enrolled as advocates. I concede that the fee of Rs. 350 may be felt as too much as in such cases, they are being called upon to pay this amount even though they may not really wish to practise in the High Court. I may mention therefore that I am moving an amendment to reduce the stamp duty to Rs. 100. The Select Committee have considered this question and they are of the view that all these people should be compulsorily brought within the purview of the Bar Council. And they have recommended that the stamp duty for those who are thus compelled must be reduced to Rs. 100. The sanction of the Dewan was not forthcoming at that time for the reduction of revenues. Subsequently the sanction of the Dewan has been obtained, and I will be bringing forward an amendment to reduce the stamp duty from Rs. 350 to Rs. 100. That will go a great way to mitigate the possible hardship which Mr. Asan has in his mind. Let me repeat that it is necessary that we must have as large an electorate to the Bar Council as possible. That is essential. In this discussion I do not bring in the clause regarding the admission of 1st grade and 2nd grade pleaders as High Court Vakils as it is a controversial matter. That class of Vakils will die naturally in course of time, since we are not now holding any 1st grade and 2nd grade pleaders' examination. This may therefore be left out of account. And entirely apart from that, it is necessary that all Law Graduates should be placed in one standard of advocates.

The amendment was put to vote and lost.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move the following amendment:

"*In Clause 8 (1), after the first proviso, insert the following proviso namely:—"Provided also that, in the case of any person who is enrolled before this section comes into force as a vakil of any court subordinate to the High Court, the stamp duty shall, notwithstanding*

anything contained in Article 30 of the Schedule to the Travancore Stamp Regulation, be Rs. 100 only for his enrolment as an advocate under this Regulation, wherever such person is admitted as an advocate on application made within the three months of the date on which this Section comes into force or if he be not eligible to be admitted as advocate on such date, within three months of his becoming eligible to be so admitted."

This amendment does not now require much explanation. I have already explained it when I spoke on the last amendment.

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I second it.

The amendment was put to the vote of the House and carried.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I beg to move the following amendment:

"*In clause 8 (2) (a), substitute the word "Section" for "Regulation."*"

There is no particular date on which the whole Regulation comes into force, as could be seen in Clause 1. This Regulation comes into force in parts. Different sections are going to take effect on different dates. Thus it is evident that there is no particular date on which the whole Regulation comes into force. It is therefore necessary to make that position clear. Secondly we will find that if we retain this word 'Regulation' there are certain difficulties to be overcome. For instance it is stated in Clause 8 (2)—"The High Court shall prepare and maintain a roll of advocates in which shall be entered the names of - (*a*) all persons who were entitled as of right to practise in the High Court immediately before the date on which this Regulation comes into force; and (*b*) all other persons who are admitted as advocates under this Regulation".

The Section, as it stands, is vague. It is not at all clear as to why this word "Regulation' was used. I think this amendment is absolutely necessary.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I accept the amendment.

The amendment was put to the vote of the House and carried.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I beg to move that:—

In Clause 8 (2), proviso, substitute the words "persons referred to in part (b)" for the words "such persons" and omit the portion "shall be Rs. 10 in the case of persons referred to in clause (a), and in other cases such amount as".

Here also it will be found that persons who are now practising as High Court Vakils will not be allowed to practise as High Court Vakils unless they pay Rs. 10. As I submitted before, this kind of retrospective operation divesting persons, who have already taken sanads under the laws then prevailing, of their vested rights, is not wholesome. So, the provision which lays down that a fee of Rs. 10 should be paid, should not be allowed to stand.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Sir, I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I oppose this amendment. First of all, let me point out a possible misconception under which Mr. Asan has moved the amendment. The proviso says that a fee of Rs. 10 should be paid in order that a High Court Vakil who is now entitled to practise may be enrolled as an advocate. It is not a case of taking away any vested right, and it is not a case of asking any additional enrolment fee. The Bar Council must have some source of revenue. This is just one source; that is all. In regard to future advocates, they must not only pay the sum of Rs. 350 but also pay a prescribed fee to the council. The fee in the case of the present High Court Vakils is Rs 10. That is the provision to the Clause. This is exactly what is done in British India also.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Sir, there was absolutely no misconception on my part when I moved this amendment. I am not concerned with the destination of the fee. It may go to the general revenues of the State or to the funds of the Council. My main objection is with regard to taxing a person under a new law for enjoying rights for which he had already paid.

The amendment was put to the vote of the House and lost.

The question that Clause 8 as amended do stand part of the Bill was put to the vote of the House and carried.

The Clause was added to the Bill.

Clause 9.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Sir, I beg to move that:—

In clause 9 (2), omit part (e) and transpose the word "and" at the close of part (d) to the close of part (c) and substitute a full stop for the semicolon at the close of part (d).

My object in making this motion is to delete part (*e*). Sub-clause (2) says "in particular and without prejudice to the generality of the foregoing power such rules shall provide for the following matters". Under this sub-clause we find that power is vested in the Council to frame rules with the previous sanction of the High Court to charge fees for enrolment. On the other hand if we examine Clause 8 part (2) (b), we find that power is vested with the Government to fix the fees and to publish the same by notification in the Government Gazette. It is stated "and in other cases such amount as may be prescribed from time to time by Our Government by Notification in Our Government Gazette". There we find that the power to fix fees payable to the Bar Council is vested in the Government; they are to fix the sum and publish it under Clause 8 (2). Now, under Clause 9 (2) (*e*) it is stated that the Bar Council is to be given power to charge fees payable for the enrolment. They are mutually conflicting. It is always better that power is vested in the Government to charge fees for enrolment, because it is a statutory obligation. It is not proper that power to fix any amount of fees for enrolment must be vested in the Bar Council. As has been stated by the Law Member, the Bar Council is in need of funds, and they will be anxious to have as large a fund as possible; and the persons who are to get admission into the Bar Council have no

[Mr. A. S. Damodaran Asan.]

voice. It is the interested party that fixes the fees. It is only right that Government should take up the responsibility. What I am submitting is, that it is not proper that power should be vested in the Bar Council. The persons who are benefited by the taxation are given the power to tax. That is not right. In British India, we do not have any provision corresponding to that in Clause 8 (2). So there is no practical difficulty there. I submit that it is against principle.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, the principle involved in this clause is that the Council should have power to make rules for charging fees in respect of enrolment. The Council is a body set up by the lawyers who form the electorate. It goes without saying that this Council should have some funds. The principle involved is therefore unobjectionable. Mr. Asan has pointed out some inconsistancy with the provision in Clause 8 (2).

PRESIDENT : Order, order. It is half-past-three, and we have the adjournment motion of Mr. Kuriakose to consider.

ADJOURNMENT MOTION.

Police Excesses at Ramangalam.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : Sir, there are two motions. May I deal with them together or separately?

PRESIDENT : You may deal with both the points as one motion.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : May I know what time will be allowed?

PRESIDENT : I dare say the honourable member is certainly capable of compression.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : Sir, I rise to move the adjournment of the House to discuss a definite matter of urgent public importance *viz.*, the serious situation created by the recent terrorising misdeeds, such as indiscriminate lathi charges on innocent people, extortion of money, assaulting women and children etc., of a batch of reserve police stationed at Ramangalam in Muvattupuzha taluk, which has caused grave apprehensions among the innocent, peaceful and law-abiding inhabitants of Ramangalam and the surrounding places and also to discuss the serious unrest caused recently at the western frontier of the State, especially in the Piravam Excise range, as a result of recent struggles between the Excise staff and the smugglers owing to the want of proper and inadequate preventive measures in the frontier.

My motion contains an admission that there is a good deal of smuggling going on in the western frontier of the State, namely, in the Piravam Excise Range. There is no difference of opinion with regard to that. As a man of the locality I know that smuggling on an organised scale is going on in that locality. I am only sorry that Government have not been alive to the situation and have not put a stop to this. I shall deal with the various causes that lead to such organised smuggling resulting in heavy loss to Government and trouble o the people of the locality.

The first thing that I am going to do is to narrate the unhappy incident that took place a few days ago at and around the neighbourhood of Ramangalam. There is much disquiet and discontent among the people on account of the behaviour of a batch of the Reserve Police there. Sir, it happened like this. On Sunday evening, the 3rd of Kumbham, a batch of Reserve Police started from Ramangalam in Muvattupuzha taluk in a police van. They crossed the river and travelled up to the western frontier, namely, Vettikkal a distance of nearly nine miles. I am sorry to say that they assaulted many a man and woman that came across their way from Ramangalam right up to Vettikkal. Sir, this is an incident of which the Government as well as the department should be ashamed of. This is a matter we cannot pass over lightly.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether the Police charged the smugglers or the peaceful passers-by?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I was quite clear in my statement that they charged the innocent people of the locality that came across their way.

MR. S. J. NAIR (*Nedumangad*): May I know whether the smugglers also were in the crowd?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I do not think so. If so they ought to have been arrested.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know where the western frontier is?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): The frontier is in the taluk of Muvattupuzha. It is very near Tirppunithura or Mulanthuruthi in the Cochin State.

On the evening of 3rd Kumbham, about 150 people were subjected to *lathi* charges and assaults by the Reserve Police consisting of about 20 men. I hope the Police Commissioner will give the correct number.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether they were charged individually or when they were assembled together?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Many of them were charged individually, and some of them collectively at one particular place Thiruvanioor, where there is a small market.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether they collected together to give aid to the Police or to the smugglers?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): There was no question of giving aid to either party. People walking along the road were assaulted without any cause. All that happened between Ramangalam and Vettikkal.

On the 4th of Kumbham I was attending the meeting of the Select Committee on the Kammala Bill in Trivandrum. Some people of my locality ran up to me with alarming news and I returned to my place immediately. I met the Police Commissioner on my way

[Mr. K. M. Kuriakose.]

Kottayam. He was willing enough to accompany me to to the spot. On the 5th evening we were at Muvattupuzha and on the 6th we were in the troubled area. Had it not been for the timely action taken by the Police Commissioner, much more mischief would have been done by the Reserve Police. Our thanks are due to him.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : What has the Police Commissioner done to give the member so much satisfaction?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): He went to the spot immediately, received petitions and statements from the assaulted people and gave specific instructions and warning to the Reserve Police that they should not go out of the way or do undesirable things. Hence I do not think they did all these with the sanction of the Commissioner because he expressed his regret on the spot and promised to punish the culprits.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know—

PRESIDENT : I see that a great deal of interest is evinced in this matter and interrogations are administered to the mover of the motion. But I am afraid that, notwithstanding the undoubted capacity of the member, these interrogations may deflect his thoughts and expressions. So, will honourable members ask questions only when absolutely necessary?

The member may proceed.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : The Police Commissioner came to the spot and has taken all possible precautions. The wonder of it is that, when I came over to Trivandrum and talked about this matter to some of the members here, they were telling me that this is being done generally by the Reserve Police wherever they go. I think such statements coming from experienced and responsible members cannot be overlooked. I cannot keep quiet over the matter.

PRESIDENT : Does the honourable member propose to draw the attention of the House to the incident on the frontier or to the chronic habit of the Reserve Police?

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : Sir, had it not been for the chronic habit, such an incident would not have taken place.

PRESIDENT : The chronic habit may form an apt subject for a resolution or motion on the budget, but not for an adjournment motion.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : I referred to it incidentally because I wanted to submit the opinion of responsible members of this House. Anyhow I shall not dwell on that point further.

Sir, the circumstances that led to the bringing down of this batch of the Reserve Police to Ramangalam, as far as I understand, was this. A case of tobacco smuggling was detected by the Excise people in the month of Dhanu at Vettithara and in that connection, it was reported,

that both sides attacked each other. It was on the 2nd of Kumbham that this batch of Reserve Police was brought down at Ramangalam. I cannot understand the immediate necessity for bringing them down there. I don't know if it is now intended to establish them permanently there. If it was to avoid a counter-attack on the Excise by the smugglers, then, I am afraid, they were too late. Not only that, the places that fell a prey to the attack of the Police were not in the immediate neighbourhood of the scene of action of the smuggling case referred to, but something like 9 or 10 miles away.

Now Sir, what are the causes of this organised smuggling? It will be seen that the chief article smuggled is tobacco. The price of a pound of ordinary tobacco in the Cochin State is about 8 as. while it is about 12 as. here.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Is all that relevant to the issue before the House?

PRESIDENT: He is leading up to the motion before the House. Let there not be any misconception about the matter. The two motions raise a question relating to a matter arising out of a recent occurrence. That recent occurrence is the real subject of the motion. The two motions indicate two aspects of the same subject; and I therefore allowed them to be clubbed together. And, as was pointed out in the course of the discussion, a certain amount of narrative may be necessary to lead up to the motion. But a general discussion of Excise policy may not be quite apposite.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I was only referring to some of the causes. The Excise Department is aware of this abnormal difference in the price in the two States which is sufficiently enticing enough for any poor man to take to smuggling as a profession, in these days of depression and poverty. As a result of this, smuggling cases are on the increase, as was stated by the Excise Commissioner in answer to a question of mine on a previous occasion.

Secondly, the frontier is completely unprotected. There are not adequate preventive measures in the boundary. This matter ought to have engaged the attention of the Government early enough. If so, these unhappy incidents would not have occurred. It is only when there is the possibility of doing mischief that such things happen. Prevention is always better than cure. Therefore, I request Government to find effective means of eradicating the causes that led to such unhappy incidents.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): And the help of the Police is one of the means of eradication, I believe.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I expect an answer from the Commissioners of Police and Excise about the necessity for bringing down the Reserve Police there.

MR. N. E. VARUGHESE (*Tiruvala I*): May I know whether the the member is in a position to suggest preventive methods as far as the frontier is concerned?

PRESIDENT : That is an incentive to further irrelevance. (*Laughter.*)

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : Sir, I may be permitted to make a few observations on that point.

PRESIDENT : That was just what I was ruling out.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : I shall strictly confine myself to the points connected with the particular incident.

PRESIDENT : Quite so.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : Only those who had actually visited the locality can understand the seriousness of the situation. The effect of the attacks was disastrous, so much so, even innocent people actually fled to the Cochin frontier. The Reserve Police was brought to capture the smugglers; but the latter escaped beyond the frontier. The innocent and law-abiding people who remained in the locality were severely dealt with by the Police. It was really terrible that the Police who came to bag the smugglers, should have thrashed the most innocent people of the locality.

PRESIDENT : Is it the point of the member that the smugglers went scot free and the innocent were punished ?

MR. K M. KURIAKOSE (*Muvattupuzha II*) : Yes, Sir. So far it is only that.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : May I know whether any real harm was done ?

MR. K. M. KURIAKOSE (*Muvattpuzha II*) : Only innocent people were caught by the Police men.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : May I know how the member came to the conclusion that the persons who received blows were innocent ?

MR. K. M. KURIAKOSE (*Muvattupuzha II*) . I am a man of the locality. I know that many people who suffered punishment at the hands of the Police were very respectable men. Nobody could ever suspect them of any smuggling.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : May I know whether there is any justification for the Police beating even the smugglers? (*Laughter.*)

MR. K. M. KURIAKOSE (*Muvattupuzha II*): No. I am thankful to Mr. Thanu Pillai for having brought out that point. The Police could simply arrest the smugglers.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : Is it a fact that the innocent bankers were threatened by the Police ?

MR. K M. KURIAKOSE (*Muvattupuzha II*) : Fortunately or unfortunately there are no bankers in the locality which is purely a village. But money was extorted from some private individuals. I have spoken to the Commissioner of Police about this matter.

MR. K. R. ELENKATH (*Kakulam I*) : Was any England-returned man troubled in this connection ?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): He was also one of the victims.

MR. K. PADMANABHAN (*Chirayinkil I*) : Will the member be satisfied with the action taken by the Commissioner of Police in this matter ?

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : So far as the preventive measures are concerned, the Commissioner has done something. But if there is a repetition of the occurrence, what are we to do? Who will guarantee that the Police will not repeat atrocities? From where are we to get that assurance?

MR. K. PADMANABHAN (*Chirayinkil I*) : May I ask the member whether the Police Commissioner has conducted any enquiry into this matter?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): As far as I know he made certain enquiries at the spot.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether anybody was punished as a result of that?

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : I am not aware of that as yet.

MR. K. PADMANABHAN (*Chirayinkil I*) : In such circumstances, are we not to presume that nothing wrong has taken place?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): How that follows I do not see.

PRESIDENT : However generous the latitude of cross-questioning might be, it does not admit of a full argument being supplied in the form of a question.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : As regards the atrocities done by the Police in general, I think that I need not dilate on them. The statements collected at the spot by the Commissioner will testify to them.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : How did the innocent women and children get mixed up with the guilty persons?

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : It is not a question of mixing up. The Reserve Police, while travelling in the area, caught hold of whomsoever that passed the way. They did not get at the real smugglers. If so they would have arrested them.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : Was it with a view to prevent the people of the locality from resorting to smuggling that the Police resorted to terrorising?

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : That will be attributing motives to the action of the Police, which I am not prepared to do.

MR. M. SIVATANU PILLAI (*Tovala*) : Was there any case of extortion of money?

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : Statements have been supplied to the Commissioner to that effect.

MR. M. SIVATANU PILLAI (*Tovala*) : By whom?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): That is the greatest difficulty in the matter. I am not able to give out the names of particular individuals.

MR. M. SIVATANU PILLAI (*Tovala*) : Do they belong to the Police force.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): There is sufficient materials available for instituting a Committee of enquiry for this purpose. That is my point.

MR. M. SIVATANU PILLAI (*Tovala*): By whom was the extortion made?

PRESIDENT: The honourable member will remember that, unless he is willing to answer questions he need not yield his place, and unless he chooses he need not answer questions.

MR. M. SIVATANU PILLAI (*Tovala*): About the extortion of money, what I want to know is, whether it was by the Police or by somebody else?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): All that I can say now is that extortion of money actually took place. Whether that was by the Reserve Police, or by the Excise people, or by the local Police, that is a matter for enquiry. It was such a confusion of all elements.

PRESIDENT: Money passed, but the member cannot say 'from whom to whom.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Either the Police or the Excise people must have done it. I am sure, it must have been done by either of the two. So, what I urge is that a committee should be appointed to thoroughly enquire into the matter of the organised smuggling and of finding ways and means of putting down corruption. Now, it is possible for any man living in the frontier being caught as an accused. Life has become so unsafe in the frontier. Innocent people are being persecuted on mere suspicion. That is the state of things obtaining in the frontier. Any man there is always at the mercy of the lowest Excise peon.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I ask the member whether the smugglers were the people of the locality, or outsiders?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Some are people of the locality. There are also people in the far eastern parts of the taluk where the consumption of the smuggled tobacco actually takes place. In the distant eastern parts of Muvattupuzha taluk, there are smugglers who could not even be traced.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): This is a valuable piece of information. May I take it therefore that the member is in a position to point out the persons involved in smuggling.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): As for that matter, I am prepared to offer any assistance in that direction although it may not be possible for me to give their names at present.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Then, may I know, whether the member is prepared to leave the disposal of the question entirely in the hands of the Police Commissioner, who I understand, has studied the situation with the help of the member.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): No, Sir. Many important points have been raised In this discussion so far. I do not think that the Police Commissioner will be able to arrive at a satisfactory conclusion by himself. That is why I suggest that the Government should go into the whole question of the prevention of smuggling as well as the defence of the frontier.

PRESIDENT: Does the member suggest a committee for that purpose?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): That is my suggestion This committee should be empowered to enquire into the present incident also.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether the aggrieved have preferred any criminal complaints with regard to these incidents?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): They have not gone to any court of law yet. That matter was also considered; but there are practical difficulties in going to a court of law especially against the Police. The names of people actually guilty have to be ascertained. Mr. Velayudhan Pillai, I hope, as a criminal vakil may well appreciate the difficulties in regard to that course.

PRESIDENT: I suppose you mean, a vakil practising in criminal courts. (*Laughter*).

MR. K. M. KURIAKOSE (*Muvattupuzha II*): It is difficult to go to a court of law in matters like this where the identity of the offenders cannot be traced.

MR. M. SIVATANU PILLAI (*Tovala*): Are the assaulted persons being treated in hospitals?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Yes, I hope the Commissioner of Police will say all about that in his speech.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether those hospitals are Government institutions or private ones?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): The Commissioner of Police went to the Salvation Army Hospital at Varikoli and enquired into the matter. I know he took statements from the patients as wel as from the Doctor.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Has the member any idea of the number of persons actually injured?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Of about 150 people attacked, as many as 70 people have given statements before the Police Commissioner. It is also a point for consideration how within a short time after the arrival of the Commissioner of Police, those statements were taken.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I ask, how many are in hospitals undergoing treatment?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I cannot say the exact number; some are already in-patients there while others are being treated as out-patients.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know the strength of the Reserve Police that was involved in the incident?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Twenty-two.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Under whose charge were they?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Under one Inspector.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know whether any influential men of the locality are involved in smuggling?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I do not follow the member.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Do the people of the locality generally support these smugglers.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): No decent man will ever do that.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): What does the member mean by decent?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Exactly in the same way as the member has understood my statement.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): So, the position is that the member does not know who attacked the innocent people, who extorted money and all that, and he expects the Police Commissioner to supplement his arguments.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): As I said in the beginning, I am not aware of the names of particular individuals. Let the authorities inquire. I have nothing more to add. Sir I move the motion.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): Sir, in support of the motion, I have to say a few words. Mr. Kuriakose has placed certain facts before the House. They appear to be grim, and the House has to consider what the real facts are. Whatever may be the nature of the officers given by the honourable member when he was pressing his motion to the attention of the House, I may say, Sir, that the conditions in the frontier of Travancore and Cochin are far from satisfactory. I have got personal knowledge of conditions in those places. For serverai years I have reflected upon those matters. There is the very solid fact that Cochin appears to consume more tobacco than it can legitimately do considering its population. The reason is that the people buy more tobacco than they need and send the bulk of it down to Travancore. Everybody knows it, and ought to know it. That is an old trouble in Travancore; and some sixty or seventy years ago the Dewan himself had to take personal interest in the matter of detection of smuggling of tobacco. At that time, possibly smuggling went on unchecked. As a result Dewan Madhava Rao went there and personally conducted enquiries. Dewan Peishkar, Mr. Sankunni Menon, tried to bag these smugglers night after night.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Did he go there alone? (*Laughter.*)

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): I am surprised at such a question because the Dewan is not a nonentity; he is a man who has got attendants. When the Dewan goes to detect cases of smuggling, being a sensible man, he will take the necessary precautions. So, that question, I consider, is unnecessary.

PRESIDENT: Is it a suggestion to the Dewan for action? If so, it may become irrelevant.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): Sir, I think, even in putting questions, there must be some seriousness.

PRESIDENT: It is open to the member to yield his place and answer questions or to continue, as he pleases.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): With your permission.

PRESIDENT: It is your right, and does not require my permission.

MR. P. C. KURIYAN (*Kottayam I*): Does it not?

PRESIDENT: It is not the right of any member to have his question answered if the member in possession is not willing to answer it.

MR. P. C. KURIYAN (*Kottayam I*): The honourable member made an allegation that questions were not being asked in seriousness.

PRESIDENT: Considering the fact that he is holding a responsible position in this House, what he says must be charitably considered; he only wanted the honourable members to be serious. I take it that that was his object.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): There has been a ruling that when questions are put, if one was able he must answer and not that he was not willing to yield.

PRESIDENT: There are many ways of expressing inability. The honourable member will proceed.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum - Urban*): If questions are put at the end of my speech, I am prepared to answerthem.

Life in the frontier is very hard. These smugglers very often make common cause with some of the subordinate officers of the department. I know there have been various instances in which the Police and the Excise subordinates were pulling in opposite directions. Therefore I can very well understand the situation explained by Mr. Kuriakose. The atmosphere of smuggling provokes mischief. Tobacco is brought into Travancore in very large quantities. There are what are called the *varumkaikarans*, persons who carry only the weapon of offence and walk, some in front and some behind the persons carrying the smuggled tobacco, as a sort of protection. There will be as many of these protectors as there are people who carry the smuggled tobacco on their head. In the frontier, and in the adjoining places, there is no security of life. (Mr. K. M. Kuriakose, *hear, hear.*) Many of my friends here may not be able to realise the atmosphere in the frontier especially when these serious offences are committed there. My friends who represent other constituencies are, by the blessing of God, in an atmosphere of peacefulness. In olden days the Travancore Government used to send out military men to these places. In those days there was great fear. The Excise officers who have got to protect the interests of Government, have not got enough powers to prevent these offences. They do not strike any terror, and ordinarily, the Police do not help the Excise. When there is a serious situation, the Excise and the Police naturally join together. So, a very very careful enquiry has to be made. Something must be done to protect our frontiers from the smugglers, and from unnecessary invations of a character not in keeping with the dignity of the State so that the subjects of His Highness the Maharaja may have peace. An enquiry may be necessary.

MR. A. THANU PILLAI (*Trivandrum—Rural*): What Mr. Kuriakose wants is protection from the Police.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): I realise that. I merely wanted to put forward certain facts which would enable the House to come to a conclusion. So, I consider that what I said is germane to the subject under discussion.

MR. K. R. ELENKATH (*Kalkulam I*): I rise to support the motion before the House. It is because the ways by which smuggling is detected are defective that the Police have been led to overdo. By a system of efficient C. I. D. work, smuggling can be prevented to a considerable extent. There are C. I. D. Inspectors who are specially deputed to help the Excise Department. Is it not therefore, disgraceful to that department to go in for the aid of the Police? I realise that there may be smuggling going on. My view is that we might rather let several of these smugglers go on, than suffer even a single innocent individual being punished. I have with me a letter from a person who was not only an eye witness but a victim. He is a responsible person who has spent two years in England. With your permission, I shall read just some portions of that letter.

"കഴിഞ്ഞ ഞായറാഴ്ച അതായത് ൰-൭-൧൧൧൨-ൽ എന്റെ സ്വദേശമായ കുന്നത്തുനാട്ടു താലൂക്കിൽപെട്ട തിരുവാണിയൂർചന്ത എന്ന സ്ഥലത്ത് റോഡിൽനിന്നും ഏകദേശം അൻപതു വാര അകലെ സ്ഥിതിചെയ്യുന്ന ഒരു ആൽത്തറയിൽ വൈകിട്ട് ൫ൽ മണിയോടുകൂടി എന്റെ ഒരു പരിചിതൻ മി: പി. ജി. കൃഷ്ണപിള്ളയും ഞാനുംകൂടി സംസാരിച്ചുകൊണ്ടിരിക്കയായിരുന്നു. വടക്കുനിന്നും അപ്പോൾ ഇരുമ്പുവലയിട്ടു സംരക്ഷിച്ചിട്ടുള്ള ഒരു പൊലീസ്ബസ് പൊടുന്നനവെ അവിടെ വന്നു നിലയായി. ഉള്ളിൽനിന്നും ആരും പുറത്തുവരാതെയും, എന്നാൽ നിരത്താതെയും ഏകദേശം അഞ്ചുമിനിട്ടു സമയത്തോളം കഴിഞ്ഞു. അന്നു ഞായറാഴ്ചയായിരുന്നതിനാൽ വളരെ ചുരുക്കം ആളുകൾ മാത്രമേ ആ സ്ഥലത്തപ്പോൾ ഉണ്ടായിരുന്നുള്ളു. ആണും പെണ്ണും കുട്ടികളും വൃദ്ധന്മാരും ഉൾപ്പടെ മുപ്പതോളം വന്നിരുന്ന അവർ വെറും ജിജ്ഞാസയാൽമാത്രം പ്രേരിതരായി ആ ബസ്സിനു സമീപം അടുത്തുചെന്നു. ബസ്സിന്റെ പിൻപിലത്തെ വാതിൽ തുറക്കപ്പെട്ടു. ലാത്തിധാരികളായ ൨൫ ഓളം പൊലീസുകാർ കുതിച്ചു പുറത്തു ചാടി. അവരോടുകൂടി എക്സൈസ് സി. ഐ. ഡി. ഇൻസ്പെക്ടരും പുറത്തുവന്നു. കൂട്ടമായി പൊലീസുകാരെ കണ്ടതിൽ അമ്പരന്നു കണ്ണുതുറന്നു വാപൊളിച്ചു നിന്നുപോയ ആ വെറും ഗ്രാമീണരുടെയിടയിൽ പൊലീസുകാർ പ്രേതാവേശം സിദ്ധിച്ചവരെപ്പോലെ പാഞ്ഞു കയറി. ലാത്തികൾ ഉയർന്നു. അടിയും തുടങ്ങി. ആണെന്നോ പെണ്ണെന്നോ വ്യത്യാസമില്ല. കുഞ്ഞെന്നോ വലുതെന്നോ നോട്ടമില്ല. അടിതന്നെ അടി. ചിലർ ഉരുണ്ടുവീണു. മററു ചിലർ ദയയ്ക്കായി കേണപേക്ഷിച്ചു. ചിലർ ഓടി. ഒരു ചെറിയ ജലിയൻവാലാ രംഗം അവിടെ അഭിനയിക്കപ്പെട്ടു. വീട്ടിനുള്ളിൽ കയറിയവരെ വലിച്ചിറക്കിത്തല്ലി. അടുത്തുള്ള ഒരു കള്ളുഷാപ്പിന്റെ ഉള്ളിലേക്ക പത്തിരുപതു പൊലീസുകാർ ഇരച്ചുകയറി. ഒരൊററ വാതിൽമാത്രമുള്ള ആ ചെറുകുടിലിന്റെ ഉള്ളിൽ നടന്ന കൃത്യങ്ങൾ എന്തെന്നു ഞാൻ കണ്ടി

ല്ലെങ്കിലും, അവിടെനിന്നും ഉയർന്ന നിലവിളിയും ആരവവുംകൊണ്ടു് ഏകദേശം ഊഹിക്കാൻ സാധിച്ചു. ഈ സമയം വെളിയിൽനിന്നിരുന്ന വന്ന പോലീസുകാർ എന്നെയും എന്റെ സ്നേഹിതിനെയും കണ്ടു. വേട്ടനായ്ക്കളെപ്പോലെ അവർ ഞങ്ങളുടെ നേരെ പാഞ്ഞടുത്തു. ചിത്തഭ്രമംപിടിച്ച ഈ പോലീസ്പിശാചുക്കളിൽനിന്നും ഓടി അകലുന്നതായിരിക്കും ബുദ്ധിയെന്നു തോന്നിയ ഞങ്ങൾ എങ്ങിനെ ഓടി രക്ഷപ്പെടുവാൻ ശ്രമിച്ചു. അവർ ഞങ്ങളെ ക്ഷണത്തിൽ വളഞ്ഞു. എന്റെ സ്നേഹിതൻ മിസ്റ്റർ കൃഷ്ണപിള്ളയ്ക്കാണു കൂടുതൽ അടികിട്ടിയതു്. എനിക്ക രണ്ടോ മൂന്നോ പ്രഹരങ്ങൾ കിട്ടി. അപ്പോഴേയ്ക്കും ലോറിയുടെ ഉള്ളിൽനിന്നും ഒരു വിസിലടിയും കേൾക്കപ്പെട്ടു. "പോലീസുകാർ അടിനിറുത്തി ബസ്സിൽ ചെന്നു കയറി. ഉടനെതന്നെ ബസ്സ് വിട്ടു നേരെ കിഴക്കോട്ടു പോകുകയും ചെയ്തു."

PRESIDENT: Has a case been filed?

MR. K. R. ELENKATH (*Kalkulam I*): Not yet. Sir, the letter goes on and says how the Police Commissioner came to the spot, enquired into the matter, and all that. But nothing more has happened. That letter is from a person who cannot be expected to utter falsehood. I think these are matters which ought to be very seriously enquired into. In that part of the country, even the fundamental rights of citizenship are not being cared for.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know the name of the author of that letter?

MR. K. R. ELENKATH (*Kalkulam I*): Mr. J. P. Injappiri. In recent years, there has been no parallel for such a brutal assault. I remember the days of the students' strike. Even there the action of the Police can be justified in one way; a large number of students were beaten because they mingled with the rowdies who were responsible for the unfortunate occurrence. In this case, the Police atrocities were committed in a small building and that did not take place in that particular spot alone but along all the way, for about 9 miles. My point is is that the Police men and officers who were responsible for these acts seem to have had no consideration or fear for the authorities controlling them. For the success of the Police administration, the most essential thing required is to create a sense of fear among the minds of the subordinates. On behalf of those thousands of people who are afraid of what may happen tomorrow, I implore you Sir, and this House to see that such misdeeds are not lightly viewed, and very exemplary punishment is awarded to those responsible for such excesses.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I wish to offer a few remarks. I find from the first motion, that it relates to the serious situation created by the indiscriminate *lathi* charges, *etc.*, by the Police. With regard to the second motion, that is in connection with a quarrel on the frontier between the smugglers and the Excise officers as a result of which serious unrest exists on the North Western Frontier of the State, I heard the mover say that prevention was better than cure. And that instead of necessitating struggles and clashes between smugglers and the Excise force, it was better to prevent the possibility of

[Mr. K. R. Elenkath.]

smuggling itself. I think that is a very philanthropic attitude, and a very kindly attitude taken even towards smuggling. I think the member takes a socialistic view of the smugglers. He considers it as a disease which should not be met by any strong action by the Excise or the Police forces, but must be prevented by reducing the possibility of smuggling. Sir, human ingenuity had not found adequate means to surpass the ingenuity of persons intent upon avoiding the law and committing depradations.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : Is the member aware that there is absolutely no reasonable or sufficient means in the frontier to prevent smuggling?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Yes, I am aware that provisions to prevent smuggling are not adequate. But I am also aware of the fact that there are provisions in the frontier to prevent smuggling and my honourable friend, the Deputy President, who is well versed in the ancient history of the State, referred to incidents which occurred 6 or 7 years ago. I myself had occasion to draw the attention of Government—I think it was in 1107— to leakage of revenue by smuggling. I am glad to find that the department and the Government have taken action from time to time; and at present various new devices are adopted to prevent smuggling. In the budget provisions, we find allotments for a flying squad and for installing a large force of C. I. D. men.

PRESIDENT: The honourable member may perhaps be interested to learn that we are losing Rs. 10 lakhs every year on account of this smuggling of tobacco.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I have pointed out in the case of *beedi* tobacco that smuggling exists at Quilon and Trivandrum Chowkeys and action has been taken in the frontier to prevent the smuggling of *beedi* tobacco which was regularly going on there. But it must be admitted that people living in those northern frontiers evince a sort of sympathy for the smugglers. There is a large body of people who have not the civic conscience to take a bold stand against the smugglers. It will be noticed Sir, that sometime ago, during 1109, more than 30 bundles of smuggled tobacco found shelter in a Church. The Excise Officers had to force open the Church and cause them to be taken out. What does that show?

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : I challenge that statement.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): This is a matter that cannot be challenged. I say this merely to show that the people lack in civic conscience so much that they are not in a position to co-operate with the Government in these matters and the officers responsible for the prevention of smuggling have to undergo a lot of difficulties. But, I don't think all these details regarding smuggling are relevant to the motion on hand. The question is whether there has been any terrorsing on the part of the Police officers. Allegations have been made,

and letters have been read; but I don't know whether they are all true. I have also been able to get petitions and counter-petitions with regard to this matter. One body of people say that the Reserve forces should be sent away. Another body say that, for adequate protection, they are necessary.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know from the member whether he has received any petition stating that the Reserve forces should be sent away?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Yes, I have received petitions stating that the Reserve forces should be withdrawn. The question is whether such incidents *have* occurred. That ought to be enquired into. But, for that, I don't think any committee is necessary.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I did not say that a committee is necessary to enquire into this one aspect alone. But the whole problem of the frontier must be thoroughly investigated by a committee and a satisfactory solution suggested.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I beg to say that question is different from the one that has been raised by this motion. The question here is not with regard to the prevention of smuggling. Here, I am at a question regarding the irregularities attributed to the Police and the Excise officers. From the statement made by the honourable member he seems to have been satisfied with the action of the Police Commissioner and the arrangement made by him for the future. Nothing has been said by the member against the Commissioner or the Police force. There is no specific charge or complaint of any irregularity against the officers concerned, when it is alleged that so many respectable persons were assaulted. What I ask is, why not these people go and prefer complaints againts these officers? That will be the best way by which they can serve the object in view. The question of smuggling and these alleged assaults have been mixed up in the course of the discussion. The only question is whether there has been any misconduct on the part of the Police. If so action must be taken; and the public must co-operate with Government to bring the culprits to book. As to the the second motion, what we want is not any palliative measures the very sources of the evil of smuggling should be destroyed. If there is smuggling, the least traces of it should be ruthlessly stamped out.

MR. C. O. MADHAVAN (*Excise Commissioner*): Sir, I am very glad of the opportunity afforded to me for explaining the real difficulty which my department experiences in the frontiers. As Mr. Kuriakose said, I may frankly confessed that preventive measures on the frontier are inadequate. The first part of the motion relates to a matter with which I am not concerned. The second part of the motion by which Mr. Kuriakose draws the attention of the House to the inadequate preventive measures in the frontier is the only subject on which I wish to speak.

[Mr. C. O. Madhavan.]

Smuggling of tobacco from Cochin to Travancore is, I may say, at least 70 years old. Till about the year 1863 the tobacco revenue system was the same both in Cochin and Travancore. Both in Cochin and Travancore, the supply and sale of tobacco was kept as a Government monopoly. There was absolutely no smuggling then. But, after 1863, that is about the time when we entered into the Interportal Trade Convention, this system was changed. Travancore adopted what is called the import duty system, and Cochin adopted the system of disposing of tobacco shops by auction. The present system in Cochin is the disposal of shops in auction for two years, at a time, just like our abkari auctions. They have got two classes of shops *viz.* A class and B class. The A class licensees in Cochin are entitled to bring as much tobacco as they want from outside and sell them to B class or retail shops. The rental that he has to pay to the Government is fixed at the time of the auction and that has absolutely no bearing upon the quantity of tobacco imported by him. The profits that he can make will therefore vary in direct proportion to the quantity handled by him. The more he imports, the greater will be his profit. The licensees in Cochin have therefore a great temptation for passing on to Travancore, through the smugglers as much tobacco as they can. Travancore levies a duty of Rs 120 on every candy of Coimbatore or Tinnevelly tobacco. The difference in the price of a candy of Coimbatore tobacco between Travancore and Cochin may therefore be roughly estimated at Rs. 120. So a man who successfully effects the smuggling of one candy of tobacco from Cochin into Travancore makes a profit of over Rs. 100. This is the position.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Which is the better system, that prevailing in Cochin or in Travancore?

MR. C. O. MADHAVAN (*Excise Commissioner*): From the revenue stand point, I may say that our system is infinitley superior. In spite of smuggling, we are getting over Rs. 20 lakhs on Tinnevelly, Coimbatore and Jaffna tobacco, while Cochin with a population of nearly one-fourth is getting only between 2 and 3 lakhs.

MR P. C. KURIYAN (*Kottayam I*): May I know from the member the average consumption of tobacco per head, in Cochin and in Travancore?

PRESIDENT: I trust that the honourable member can give the figures.

MR. C. O. MADHAVAN (*Excise Commissioner*): The average consumption per head in Cochin may be taken to be 15 lbs., while in the Parur taluk it is only 1·5 lbs.

PRESIDENT: And in Nagercoil?

MR. C. O. MADHAVAN (*Excise Commissioner*): In Nagercoil it is over 10 lbs. From that the House may form an idea of the extent to which smuggled tobacco is consumed in Travancore.

The responsibility thrown upon my department is very heavy. My men in the frontier are very few compared with the long frontier

line, the difficulties in those areas and the great odds they have to face. The frontier line in the Parur Division alone is about 200 miles, and the frontier in the Piravom Division is not easily accessible. Even during day time it is difficult to walk along this frontier. Soon after I took charge of the department I wanted to see for myself all the difficulties my men had to face there. I walked along the whole frontier. I know every inch of ground in that frontier. In addition to the natural difficulties, it has to be said that the men have to work among a population mostly hostile. The people generally consider it an honest profession to cross over to the Cochin frontier and smuggle tobacco into Travancore. Some of the people sympathise with us in our difficulties; but they are afraid of helping us against the smugglers. To give any information regarding the smugglers is considered a sin; even priests have expressed that opinion to me.

MR. M SIVATANU PILLAI (*Tovala*): May I know whether the member requisitioned the Reserve Police to be sent?

MR. C. O. MADHAVAN (*Excise Commissioner*): Not exactly that. There was a recent occurrence of high-handedness on the part of the smugglers in the frontier. A band of smugglers numbering over one hundred fell in with a small body of Excise men. At the first alarm the smugglers ran away leaving the bundles of smuggled tobacco. The Excise men were able to arrest one smuggler and collect 28 bundles.

MR. A. THANU PILLAI (*Trivandrum-Rural*): What would be the cost of those bundles?

MR. C. O. MADHAVAN (*Excise Commissioner*): Ordinarily, a bundle may weigh about 50 lbs. The duty alone on the 28 bundles will come to about Rs. 300.

The smugglers brought torches from the neighbouring houses, watched the Excise men from a distance and found out that they were only a handful. So, they collected stones and began throwing stones at the men. The Excise men were armed with rifles and cartridges but the cartridges were soon exhausted, and they were at the mercy of the smugglers. So, taking two bundles and the arrested smuggler, they ran for shelter in a neighbouring house. That incident involved the commission of very serious offences under the Penal Code. I was duly informed of it. I knew that the Police would have taken up the matter; but as I got the information and as I saw that the matter was very serious, I wrote to the Police Commissioner to see that necessary orders are issued to his subordinates. He considered that Reserve force was necessary. It was for him to decide whether or not he should send a Reserve force.

MR. P. C. KURIYAN (*Kottayam I*): Sir, I would like to know the names of the priests who considered it a sin to give information about the smugglers?

MR. C. O. MADHAVAN (*Excise Commissioner*): I do not want to give out the names here, Sir.

In the frontier, my men are faced with very many difficulties. In the first place, there is no easy means of communication along the

frontier. The stations are few and far between. The number of men in each station is inadequate. All these matters have been considered and are still under the consideration of Government, and Government are taking adequate steps to meet the situation. It is all a question of money.

If the House would grant adequate funds, it is quite possible to completely stop smuggling.

I shall explain to the House the action which I have taken from time to time to check the increased activities of smugglers.

PRESIDENT: At the present moment we are concerned with a particular incident. Matters mentioned by the Excise Commissioner are of value in understanding what led to his asking for Police assistance. Now I shall call upon the Police Commissioner to offer his remarks.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Sir, sometime last month, a serious case of assault on the Excise people, attended with forcible taking away of smuggled tobacco, was reported in the Muvattupuzha Station. It was a case of dacoity. The Excise Commissioner approached me. He said that the smugglers were in large numbers, and his force being quite unequal to the task of apprehending the smugglers, he wanted Police help. I then telegraphed to the Inspector there. Whether the offenders had been arrested was not known. Three weeks had passed and the Excise men were helpless in the matter.

Then only I thought of rendering substantial assistance to the local Police by sending the Reserve Police. The object with which I sent the Reserve was simply to apprehend the dacoits. A couple of days after the Reserve Police was sent I also went there. I looked into the case diaries, and had conversations with the Police and other local officers, and ascertained facts in the locality. The facts were these. To detect the smugglers a band of Excise men had gone; and they came in contact with a large number of smugglers who, seeing the smallness of the Excise party, over-awed them and seized back the smuggled tobacco. It was really a case of dacoity. Besides, the Excise Commissioner brought to my notice a list of persons who are reported to be smugglers. Sir, the fact is that the rich and influential men of the locality are really interested in this smuggling. They finance the smugglers. Their richness gives them respectability; and their respectability gives them reliability. Smuggling seems to be the chief business in the locality. I questioned a number of people of the locality. Most of the smugglers are rich people.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether the persons were rich even before, or whether they grew rich by smuggling?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I am simply giving the information which I gathered as a result of careful investigation. The list of smugglers which I have got is strictly confidential and in the interests of justice the list should not be divulged at this stage. I have given orders to the subordinate officers to render assistance to the Excise authorities.

Mr. Kuriakose brought to me certain complaints. I accompanied him to the spot. A number of petitions by vakils were given to me. The petitions had already been written up. From the nature of the enquiry conducted by me, I can say that the place is full of smugglers. I asked the vakils and other petitioners who were present there, if they can tell me the names of the smugglers. They said 'no'. Then I asked them whether they could identify the persons in my list. They were terribly afraid of answering 'yes'. They were afraid of their own lives. I challenged Mr. Kuriakose himself to give me information on this point.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : I may say for the information of this House that I have promised to give the Commissioner all help.

MR. P. C. KURIYAN (*Kottayam I*) : If the Commissioner of Police is satisfied that there is a smuggler in a certain locality why should he seek the helf of other people ?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : I know that there are ever so many smugglers. But on that knowledge I cannot go and catch them. I must catch them red-handed.

MR. P. C. KURIYAN (*Kottayam I*) : Am I to understand that the Commissioner of Police coolly admits that he is unable to deal with these smugglers ?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : He has made a list of the suspects, and coolly and calmly he will deal with them later on.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): May I know whether any cognizable case has been taken up, by the Reserve Police, against these people ?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : No. A complaint has been made to them.

MR. M. SIVATANU PILLAI (*Tovala*) : Is he prepared to disclose the nature of the complaint ?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : It is under enquiry and I cannot disclose it.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : May I know whether he is prepared to express regret for what has happened ?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : I am prepared to express regret if after enquiry I find that the Police were really to blame.

MR. V. T. CHACKO (*Muvattupuzha I*): May I know how many smugglers were arrested by the Police ?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : Two or three were arrested,

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : May I know whether he was convinced that many innocent people were assaulted at the spot?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : No, not yet.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : Am I to take it that he considers that no assault was made ?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I have not finished my enquiry. I grant that some thing has happened.

MR. M. SIVATANU PILLAI (*Tovala*): What was the necessity for sending the Reserve Police? Was it because the local Police were not capable of handling the situation?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Yes.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Which is the nearest Police Station?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Muvattupuzha.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know the distance between Muvattupuzha and the scene of occurrence?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): 15 miles. There is an out-post manned by four or five constables.

There is another difficulty. The charge was made against the Police and the Excise. So far as the Police is concerned I will do justice. But the difficulty is the question of identification.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): May I know whether the Policemen were in uniform or in mufti?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I cannot disclose that. Some men might have been in uniform and some in muft.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether the Police Commissioner, when he was there, enquired whether some of the Reserve Police went into a toddy shop to beat some people?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): They might have gone there in search of smugglers. The Excise people were taking the Police all over the place in order to trace the dacoits. They went to a place; they were surrounded by a crowd; and they dispersed the crowd. This seems to have been given a very serious aspect.

Unfortunately, Sir, a sort of communal colour has been given to this incident. I was told that the Excise and the Police force was composed of Nairs and that the smugglers were all Christians. The Christians of the place seem to think that this was done deliberately by the authorities of the Excise and the Police departments.

MR. P. C. KURIYAN (*Kottayam I*). Who is the head of the Reserve Police?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): A very level-headed and well-conducted graduate of the Madras University, Inspector Mr. Oosman, a Mahomedan.

After enquiry, I came to the conclusion that it was very necessary for the Excise that the Police should work as auxiliaries; there must be a partnership between them so that the revenue may not go down. That is necessary till the Excise force is brought up sufficiently to depend upon itself.

The Reserve Police undoubtedly handle such situations very nicely. I had experience of that at the Alleppey riots. They came in for a lot of compliment from the people. But a more serious situation prevails now in Muvattupuzha. The place is like a bee-hive. The smugglers seem to think that the Police have come to take away the honey from their combs.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether the District Magistrate of the locality was informed of the seriousness of the position.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Not only the District Magistrate, but also the Government. I am doing all that is expected of me.

Sir, all these vakils want a punishment to be inflicted on the Excise and the Police. It is difficult for the Commissioner of Police to do that without making further enquiries.

PRESIDENT: I take it that what the honourable member means is that he has made some enquiries and that he is giving all the information he has collected.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Now the situation is very calm. That is admitted by the honourable member who moved the adjournment motion. But I have not ceased the enquiry. Investigation is still going on. If any party has a complaint, and if it is real, that shall be looked into. The wrongs that have taken place shall be set right. At present there is no danger. The danger has passed. Though the hands of the authorities are attempted to be weakened, I am bound to hear the complaints. Instructions to that effect have been issued to the officer who is going on with enquiry at the spot.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Am I to take it that the people of the locality do not want the help of the Police so that smuggling may be resumed?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): The Police are a great hindrance to them. The people of the locality think that they could handle the Excise people. But, when the Police are there, perfect calm prevails. Therefore the Police are a great hindrance.

MR. K. R. ELENKATH (*Kalkulam I*): Is it the member's view that smuggling could not be prevented without Police help?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): The Reserve Police was sent there as a tentative measure. So far as the Excise department was concerned, the Police have to work in conjunction with them.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): What I heard the Commissioner to say was that the Reserve Police were deputed to assist detection. If so, my point is whether they had the necessary authority to enter the houses of the smugglers?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*); There is the Station House Officer. So far as cognizable cases are concerned, no warrant or authority is necessary.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Suppose the Inspector in charge of the forces was not competent to deal with such cases, what will happen?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): There is the local Police as well as the Reserve Police. They work together.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Was any authority given to the Inspector of the Reserve Police to enter into houses to find out cases of smuggling?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): No, but the Police Officer at the spot has all power necessary for investigation.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Then am I to take it that the Reserve Police were entering into the houses without the necessary authority from the Station House Officer.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): No, I said that the Reserve Police were working with the local Police.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I heard the member to say that the Police went in to a toddy shop?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): They did so when the local police officer was there by way of assistance.

MR. M. SIVATANU PILLAI (*Tovala*): Was the Government informed of the necessity for taking the Reserve Police.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): The Government know all about it.

MR. M. SIVATANU PILLAI (*Tovala*): Was it after getting the orders of Government that the Reserve Police was sent to Muvattupuzha?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): No.

MR. K. R. ELENKATH (*Kalkulam I*): Was any previous notice given to the people that the Reserve Police were arriving,

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): No. It was not a case of opening fire. In regard to the detection of smuggling, the Police have to make surprise visits. I have nothing more to add.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I wish to offer a few remarks on the motion before the House To me it appears that this motion has been brought up as a result of a serious misunderstanding of the situation. The matter contained in the first portion of the motion deals with law-lessness on the part of the Reserve Police. I was a little pained to hear this matter discussed now, because, in the morning it was stated that some the Policemen numbering about 300 or so should be rewarded for their behaviour. In the evening the matter appears to have undergone some change.

It is said that about 22 men of the Reserve Police committed acts of law-lessness. It is impossible for me to believe that they would be guilty of the terrible deeds alleged. But as the Police Commissioner himself has stated, there is some justification for the Reserve Police doing even such deeds. From the letter read out to the House it could be seen that the Policemen had to disperse an assemblage, of about 30 to 40 people, in defiance of Police orders. What exactly happened after the assemblage, that letter does not say. Whether there was any shouting, jeering or mocking at the Police is not known. For the the attitude of the people, as disclosed to the House by the speeches of the Commissioner as well as Mr. Kuriakose the mover, what the Police had done was justified. Moreover, this is a matter affecting the people of the locality. When the Police order that the crowd should be dispersed, and if the order is disobeyed, it is open to the Police to take action. It is within their power to charge the crowd. Sir, there was in the crowd, the gentleman who had gone to England

and returned. It is not clear for what purpose he went to England and why he returned. It is said that this gentleman was assaulted. Whether he took any part in setting up the smugglers, or whether he was jeering at the Police or obstructing them, the House has no definite information about. It is for the Commissioner to get at the truth in the matter. At any rate there is much difference between this gentleman and the others. Anyway, this man has been brought to the scene and trumped up as it were as a big man. So, what I gather, is that there is suppression of information on both sides. Only after investigating the whole matter we shall be in a position to say anything definite about the matter. It appears to me that it is premature, so far as this House is concerned, at this stage, to express an opinion on what is contained in the first part of the motion for adjournment.

If the Commissioner of Police and Mr. Kuriakose are prepared to place facts before us unbiased, that is to say, simple truths, we would be in a position to judge them and come to a proper conclusion. That is what ought to be done under the particular circumstances. No member of the House will allow any excess on the part of the Police officers, whether he be a Station House Officer, Reserve Police Officer, or ordinary Policeman or even the Commissioner. We would certainly condemn that. If in bringing the offenders to book, these officers armed with proper authority from the Station House Officer, entered the houses of suspects, and if they were then prevented or foiled or abused, then Sir, there is every justification on their part to resort to these methods. No one has a right to behave in an unlawful manner. Law has got to be enforced. That being so, this House has little to do with the first part of the motion.

Again, if the Government had issued a communique on the subject, after an investigation of the truth of the matter, it could be gone into by us. It is open to the House to say what the Government did was wrong, in excess of their powers and therefore improper. This House could have suggested the manner in which the enquiry was to be proceeded with. Now there are plaints and counter-plaints.

PRESIDENT : Is there any plaint now ?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : I am simply referring to the complaints, Sir. This is only a case of allegations and counter-allegations between party and party.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : May I ask the member, whether the Police Commissioner has not accepted my statement ?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : No.

The Police Commissioner, a gentleman of suave manners has a peculiar way of dealing with the honourable members of this House. In operating upon the situation, with his tactfulness, he might have said something. It is very clear from his statement that even Mr. Kuriakose was not in a position to give the names of the smugglers which the Commissioner was able to detect. I only congratulate Mr. Kuriakose on the attitude he has taken in the question at issue.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : May I know how the member concluded like that ?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May be a mistaken idea. But that is what I gather from the Police Commissioner's statement. Every man is entitled to have some protection. If there was any violation of law by resorting to unlawful means, there is absolutely no case for the Government to interfere on behalf of individuals. If it is established that there is lawlessness in a place, that smuggling was being carried on, is it not open to Government to take strong measures for the purpose of putting down lawlessness, for preserving order where there is disorder, for maintaining the dignity and prestige of the Government and their officers?

MR. K. R. ELENKATH (*Kalkulam I*): Is it the member's view that law-lessness should be met by law-lessness?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Need not be. But law-lessness should be met by lawfulness. If I am assaulted, for instance, I am entitled to protect myself. There are certain occassions when you are entitled to protect yourself.

PRESIDENT: Not here at any rate.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): At any rate, by lawful methods, the situation can be met. Some times lawful methods will appear to be unlawful. Whether there was any justification for the Policemen to act in the particular manner, we shall examine. Well, this is a matter which could be decided only after a thorough investigation. As Mr. Kuriakose himself has admitted that the Commissioner has taken the full responsibility in the matter, is it not fair, in the interests of justice, that the matter should be left to be disposed of by him entirely?

MR. K. M. KURIAKOSE (*Muvatupuzha II*): Is it the idea of the member that Police excesses can be justified under any circumstances?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): As I said, Sir, if I am assaulted by anybody, I have the right to protect myself.

MR. K. M. KURIAKOSE (*Muvattupuuha II*): May I know how?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I mentioned that, only as an instance. If my friend could look into the commentaries of the Indian Penal Code, there are ample safeguards. There is the protection afforded to the Police officers under the Police Regulation. I ask, when the Police see as unlawful assembly of men armed with deadly weapons, what should they do? Are they not entitled to use some force?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Was any case made out to that effect?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): That is what I think; and I am not alone in that. Mr. Kunjukrishna Pillai has told us that he has received some reports contrary to what has been said by the mover. He has been addressed by very many gentlemen from that locality.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Is it not a conjecture?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): No. The honourable gentlemen who have written to us do not stand on a different footing from the other gentlemen who have informed my friend. We have been called upon to give publicity to the petitions we have received. Why should we presume that the Police have committed excesses. The Police who were entrusted with the proper control of the affairs might have exercised some force which the occasion demanded. We have heard what the member has said. We have also heard what the Police Commissioner has stated. He has investigated the whole matter; but the investigation is not complete. It may be possible for him to find out the offenders and bring them to book. So it is not necessary to appoint a Committee as suggested in the resolution.

Now I may be permitted to go to the second part of the resolution, with regard to the smuggling. Every one of us agree that some strong measures should be adopted for the purpose of preventing smuggling. In the High Court some case was brought up Now these gentlemen may be convicted ever so many times from year to year. But they carry on the same thing as long as they want. Year after year the Excise Commissioner is complaining that bamboos were destroyed either by natural causes or by interested smugglers. He says that ditches should be dug involving very large expenditure. It appears that there are lands belonging to the Excise Department, but these people would not leave possession of the lands. They would repeatedly take the yield and then suffer to be prosecuted and convicted. The process may go on even six times a year. There may be six prosecutions against the same man in every year; and these prosecutions go on endlessly. Sir, these cases are being held up and are not disposed of quickly. The Magistrates do not meet out the maximum punishments. The Magistracy must be efficient, the Police must be strengthened and honest Policemen must be posted there. For that no committee is necessary. This is a matter that has been engaging the attention of the Government. Remedies were suggested, but those remedies were not accepted for want of sufficient funds. Any way, if Government bestow some attention upon this matter, if they spend some money in the proper direction, and if Government issued proper instructions to the Police and to the Magistracy, I am quite sure that, with the force that is at the disposal of the Government, they will be able to restore peace and order. They will be able to enforce law and order in those places which are reported to be places of lawlessness. I submit that for this purpose no Committee is necessary. In the second place the Excise Commissioner gave out a pathetic version of what the Excise peons did. It affected me very much. Some of them were armed with rifles; and they must have been provided with extra cartridges also. When one after another the cartridges were exhausted what happened to them? I wonder what these Excise men did with these cartridges. I do not know what they do with cartridges. That is a vital point that has to be dealt with by the Excise Commissioner.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): Is the member aware that generally rifles cast away as useless in the Military Department are given to the Excise peons.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Even if the rifles are bad, if they are meant for the purpose of keeping the decoits at bay, I think these peons must be trained to use them. If I am given a rifle, even if it is bad, I will surely keep the criminal at bay for some time. That is what appears to have happened. When the case goes to a court of law, we will then have to consider how these Excise men took to their heels, what happened to their cartridges, who robbed them, where are the *tondi* articles etc. To effectively deal with the decoits only men who are trained to use rifles should be appointed. The Excise Commissioner should be asked to devote at least one hour for the purpose of enquiring into these things since we stand to gain Rs. 20 lakhs every year. An hour's time daily spend on this account by the Excise Commissioner will not be a waste. If the Excise people are able to show an increase in revenue, we will be glad to offer rewards to them. All that I say is that the Excise Department should tackle this problem very seriously. With these words, I oppose the motion.

MR. P. C. KURIYAN (*Kottayam I*): Sir, I wish to speak a few words in support of the motion before the House. It is not a single motion but two motions put together. About the second, all sides of the House are agreed that all is not well on the western frontier and that smuggling is going on, on a large scale there. To that extent the mover has succeeded and has made out a case for an enquiry. About motion No. 1 there seems to be some difference of opinion. Mr. Kottur Kunjukrishna Pillai has said that he has got two kinds of version, one version given by the mover and another very different from that. According to me that is just the case for an enquiry. Sir, if there is only one version there is no need for a fresh enquiry, while if there are two kinds of versions, only a fresh and impartial enquiry could bring out the truth. So in that case also the mover has succeeded in his object *i. e.*, making out a case for an enquiry. Now I proceed to another aspect of the question. I am very sorry to note that many unfortunate things have been given expression to in the course of this discussion. Mr. Kunjukrishna Pillai has said in the course of his speech that some churches were being made use of in the act of smuggling by these smugglers. The Excise Commissioner has remarked that many of the so-called respectable people in the locality were indirectly helping the smugglers and that he knows the names of several priests who are in the know of things. The Police Commissioner has said that most of the rich people of the locality have become rich by smuggling and with the wealth obtained by smuggling they have become respectable, and that many of the vakils in the place who could give information about the smugglers did not give such information and that all the agitation about the Reserve Police was only a clever device by the people of the locality to get the Reserve Police removed and thereby carry on the work of smuggling. Further he went on to

add that there was something of a communal nature in all this agitation as most of the Police and Excise staff were Nairs while the smugglers were all Christians. Sir, these are very serious allegations. In the first place a whole locality is condemned as being the den of smugglers, a whole community condemned as smugglers and their sacred Churches and priestly order accused as helping this notorious trade. I ask the Excise Commissioner who claims to know every inch of the locality and the people helping these smugglers directly or indirectly, why he has not booked them as yet. If he does not do so there are only two possible inferences; one that he does not want to book them, the other even if he wants he is not able to book them. In either case I say that he is not fit to hold the place he is now occupying *i. e.*, the head of the Excise Department. Sir, you have just now said that there is an annual loss of Rs. 10 lakhs by this organised smuggling on the western frontier. Who is responsible for this loss of revenue to the State? I would say, certainly the Excise Commissioner. If I were in his place I would not have allowed this sort of thing to continue long. Now, Sir, about the observations of the Police Commissioner, he says he knows most of the smugglers and the people in the know of things. I ask him why in that case he is keeping quiet. Is it not an admission of weakness or helplessness on his part? If I were the Police Commissioner, with the information he claims to possess I would have proceeded against all these people and booked the miscreants one and all. The most unfortunate part of the business was the attempt to give a communal colour to the whole incident. The Commissioner says that most of the officers in the Excise and Police Departments are Nairs and that is the reason why the people of the locality, who are Christians, complain about them. This is a very curious explanation and perhaps the unkindest cut of all. If all these officers are Nairs, whose fault is it? Did the people of the locality want it, or is it in spite of their demand for equal opportunities for all. Assuming for the moment that there is some force in the remarks of the Police Commissioner, I say that it is the strongest argument in favour of an open and impartial enquiry into the whole matter. Sir, when there is so much of communal bitterness in the country and when members of one community complain about the conduct of the members of another community, the Government cannot certainly keep quiet. An enquiry has certainly to be made and the miscreants, whether they are Christians or Nairs, Government servants or private individuals, have to be given exemplary punishment and the revenues of the State have to be safeguarded, and the majesty of the land maintained.

PRESIDENT: The House will now adjourn to meet again tomorrow at 11 'o clock.

The House adjourned at 5-30 P. M.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Mulam Assembly.

PROCEEDINGS

of

THE TRAVANCORE SRI MULAM ASSEMBLY.

(*OFFICIAL REPORT*)

FIRST ASSEMBLY.

NINTH SESSION.

Wednesday, the 24th February 1937/13th Kumbhom 1112.

The Assembly met again in the Victoria Jubilee Town Hall at Eleven of the clock, with the President in the chair.

QUESTIONS AND ANSWERS.

Tondamkulangara-Ariyad Munro Light road.

284. ***MR. K. M. KRISHNAN** (*Ambalapuzha II*): Will the Government be pleased to state:

(*a*) whether they have sanctioned the estimate for the construction of Tondamkulangara-Munro Light road;

(*b*) whether the owners (of lands adjoining the *poramboke*) have consented to give the required lands free of cost;

(*c*) whether the said owners have given separate statements of consent to the *Proverthikar* of Ariyad South *pakuthi* to the above effect;

(*d*) if so, under whose instructions such statements were given;

(*e*) when they were given;

(*f*) whether the fencing, trees and houses on the lands have been set back or removed after demarcating the boundary lines and, if so, by whom and under whose orders or directions;

(*g*) whether the owners have requested Government to take possession of the lands at the disposal of Government;

(*h*) whether they have taken possession of the lands, and, if not, why not;

(*i*) whether they are making any provision to take up the work in 1112, and, if so, when the work would be commenced; and

(*j*) whether they have received repeated representations from the Travancore Chamber of Commerce and the Alleppey Chamber of Commerce requesting for the early construction of the road, and, if so, with what results?

G. P. T. 2526. 350. 4-10-1112.

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (*a*) No.

(*b*) & (*c*) Some of the owners of the adjoining lands have given statements agreeing to surrender the lands required for the road free of compensation.

(*d*) Under instructions from Government as well as on the requisition of the P. W. D.

(*e*) Statements from some of the landowners were obtained in Kanni and Tulam 1108 and from some others in Meenam and Medam 1111.

(*f*) The interested parties have stated that they have set back the fences and cleared the lands at their own cost and as per alignment and directions of the P. W. D.

(*g*) Yes, some have given written consent.

(*h*) No, because written consent has still to be obtained from some landowners.

(*i*) No.

(*j*) Yes. The estimate and plans for the work have been received. Government have considered the representations and orders have been issued for making provision for the purpose in the budget for 1113.

Poovanakadavu bridge at Mallapally.

285. ***MR. R. SIVARAMAN NAIR** (*Tiruvalla II*): Will the Government be pleased to state:

(*a*) whether any land had been acquired for Poovanakadavu bridge at Mallappally;

(*b*) if the answer to part (*a*) is in the affirmative, the amount of money spent; and

(*c*) whether any estimate is prepared for that bridge?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (*a*) Yes.

(*b*) A sum of Rs. 1,385-16-12 has been awarded as compensation for the lands acquired.

(*c*) Yes an estimate for Rs. 1,17,000 has been sanctioned.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): With reference to the answer to part (*c*) of the question, may I know when the estimate was sanctioned?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): In 1932.

Drainage facilities in Tazhakkara pakuthi.

286. ***MR. A. S. DAMODARAN ASAN** (*Mavelikara*): Will the Government be pleased to state:

(*a*) whether the Irrigation officers have investigated into the necessity of giving drainage facilities for the cultivation of the Vettiyur, Tazhakkara, Pulimel, Patikkad and Peruvayalichal *punja* lands in Tazhakkara *pakuthi*, Mavelikara taluk; and

(*b*) if the answer to part (*a*) is in the affirmative, the result of such investigation?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (*a*) & (*b*) Investigation is being conducted.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : May I know from Government how long this investigation has been conducted ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : One investigation was conducted some years ago by the Quilon Division Road Engineer and a subsequent investigation was conducted by the Irrigation Sub Division Officer. Recently, after local enquiry, investigation is being conducted by the local Sub Division Officer, since the last meeting of the Assembly.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Are these investigations anywhere near completion ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : They are being conducted, and they will surely be completed as early as possible.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : At whose instance were these investigations started ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : These investigations were started as a result of petitions from the cultivators of these *punja lands*.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): What I ask is, whether the position is that the investigations were started at the instance of the ryots or at the instance of the officers concerned ?

PRESIDENT : Mr. Krishna Pillai's voice is particularly low to-day.

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : Investigations were started under the orders of Government.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Was it on the motion of the ryots I ask ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : Yes.

The Land Colonization Scheme.

287. ***MR. T. KRISHNA PILLAI** (*Neyyattinkara II*) : Will the Government be pleased to state :

(*a*) how many acres of land have been declared available for land colonization till date (10-2-1112) since the passing of the Land Colonization Scheme ; and

(*b*) how many applications have been received up till now for the grant of land for such colonies ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) :

(*a*) Nil.

(*b*) Two.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*) : May I know from Government when the Land Colonization Scheme was sanctioned by Government ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : No particular Land Colonization Scheme was sanctioned by Government. There were rules in the old Puduval rules provided for such schemes.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*) : May I know when those rules were framed ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): About 1923, or so.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Then may I know why no land was made available for colonization?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Nobody wanted them.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Sir, answer to part (*b*) of the question says that there were two applications. May I know the reasons why lands were not given to these applicants?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): In one case land was given *i. e.*, for the War Service Mens' Association. In the other case the party did not take further action when he was called upon to furnish certain information. He did not take any interest in it.

Incomplete Primary Schools.

288. ***MR. KAINIKKARA M. PADMANABHA PILLAI** (*Changanachery I*): Will the Government be pleased to state:

(*a*) how many incomplete Primary Schools have been abolished during 1110 and 1111; and

(*b*) what amount have they gained in grant by abolishing them?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*):

(*a*) 1110 ... 51
1111 ... 70

(*b*) Rs. 14,420-21-0.

V. P. School, Maneed, in Muvattupuzha taluk.

289. ***MR. K. M. KURIAKOSE** (*Muvattupuzha II*): Will the Government be pleased to state:

(*a*) when the pay bills of the V. P. School, Maneed, in Muvattupuzha taluk, for each of the months beginning from Dhanu 1111 to Kanni 1112 have been sanctioned by the Inspector and sent to the Headmaster;

(*b*) a history of the pay bill of the same school for the month of Chingam 1112 till it was actually cashed in the treasury; and

(*c*) whether it is true that the Headmaster, Mr. P. C. Thomas, of the same school was fined, and, if so, the reasons for the same?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*):

(*a*) A *statement furnishing the information is placed on the table.

(*b*) The Headmaster, Maneed Primary School, returned the bill for Chingam 1112 to the Assistant Inspector of Schools, Muvattupuzha, on 22-2-1112 on the ground that the office stamp was not imprinted on the bill. It was received by the Assistant Inspector on 24-2-1112 and returned to the school on 25-2-1112. The bill is reported to have been cashed on 1-3-1112.

(*c*) Yes. For official irregularities.

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* *Vide* Appendix I.—Page 883.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): With reference to the answer to part (*b*) of the question, may I know who was responsible for not affixing the office stamp?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): It must have been the office staff of the Assistant Inspector.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Is the member aware that the delay in cashing these bills causes great hardship to primary school teachers?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): Yes.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Is the member aware that many of the teachers are not natives of the locality so that it adds to their hardship?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I am not aware of it.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): With reference to part (*c*) of the answer, may I know the nature of the irregularity for which the Headmaster was punished?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): The Headmaster was punished for making baseless charges against the office staff of the Assistant Inspector.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether one of the reasons for the Headmaster being punished was his complaint that the bill was not cashed early enough?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I have given the member all the information in my possession.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): The answer merely says "official irregularities". Was there any special official irregularity committed by the Headmaster?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I stated that he made baseless charges against the office staff and against the Assistant Inspector.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know the nature of such baseless charges?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I have told the honourable member that I have given him all the information in my possession.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know from the member whether he will make an enquiry to see if the punishment was meted out to the Headmaster simply for the reason that he complained that the bill was cashed late?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I shall be glad to enquire into the matter.

Irrigation tanks converted into garden lands.

290. ***MR. K. PADMANABHAN** (*Chirayinkil I*): Will the Government be pleased to furnish a list of irrigation tanks or *chiras* in Chirayinkil taluk which have been converted into garden lands or

paddy fields by private persons with such details as the survey numbers, *pakuthies*, the date of occupation in each case and the name of the present occupant?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): A list containing the information required by the member is placed on the table.

MR. K. PADMANABHAN (*Chirayinkil I*): With reference to appendix II, may I know whether all the items given have been converted into garden or wet lands?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): The information available is given in the table.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know, with regard to items 1 to 3 whether the tanks are now fit for irrigation purposes?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I claim notice.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know why encroachment was not removed from item 4.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): That is because on an appeal to the Division Peishkar he cancelled the order of the Tahsildar. But I have taken it up on revision.

Pallikal—Velunalloor Trace.

291. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) the distance of Pallikal—Velunalloor trace in Chirayinkil taluk; and

(*b*) what would be the approximate cost for converting the trace into a cartable road?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (*a*) About 4½ miles.

(*b*) About Rs. 20,000.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Pallikal Velunalloor trace will be converted into a cartable road and whether Government have any idea of doing it now?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): No Sir. The people have been told that, if the road is improved by them under the Ryots' Roads Rules, the P. W. D. will maintain it.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Government are aware that it has already been improved by the people as a good road?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The Chief Engineer's report—

MR. S. J. NAIR (*Nedumangad*): May I know whether Government will direct the Chief Engineer to send the necessary report to Government in this matter and see whether improvements can be made on that road?

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* *Vide* Appendix II—Page 884.

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): This supplementary question will be communicated to the Chief Engineer.

Depressed class students in Colleges.

292. ***MR. G. NILAKANTAN** (*Nominated*): Will the Government be pleased to state:

(*a*) the number of students, by caste, from the backward and depressed classes other than Ezhavas and Muslims reading in the Intermediate and B. A. classes; and

(*b*) the number by caste from the above classes receiving scholarships and fee concessions?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): (*a*) & (*b*) A *statement furnishing the information is placed on the table.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know the reason why out of the two Kurava students only one is granted fee concession?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I claim notice.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): In the case of other students belonging to depressed classes concessions have been granted to one and all alike. I wish to know whether this is due to a mistake in printing?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I claim notice. The member's suggestion is probably correct but I cannot say definitely without further enquiry.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether, the fee concession is granted irrespective of the consideration whether they are rich or poor?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): In the case of Mahomedan students half fee concession is granted irrespective of poverty. In the case of all other communities, poverty is an important consideration.

MR. P. C. KURIYAN (*Kottayam I*): May I know why that distinction is made in the case of Muslims?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): The distinction is made with a view to encourage Muslim higher education in the State.

MR. P. C. KURIYAN (*Kottayam I*): Am I to understand from the member that Government are more solicitous to the Muslim community than to other communities?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): There is a special Mahomedan G. O. to that effect.

PRESIDENT: You mean G. O. relating to Mahomedans.

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): Yes, Sir.

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* *Vide* Appendix III.—page 885.

The Director of Registration.

293. *MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : Will the Government be pleased to state ;

(*a*) whether they are aware that the actions of the late Director of Registration (Mr. E. I. Mathew) were criticised by any member of the Sri Mulam Assembly at the 1110 Budget Session ; and

(*b*) whether they have taken any action on the same?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : (*a*) and (*b*) Yes.

Irrigation facilities in Vilavankod and Neyyattinkara taluks.

294. *MR. M. MAHOMED HANEEF (*Nominated*) : Will the Government be pleased to state :

(*a*) whether they have any scheme for the improvement of the irrigation facilities in Vilavankod and Neyyattinkara taluks ;

(*b*) whether the Kodayar Irrigation Project is working at a gain or loss to Government ;

(*c*) whether Government had the idea to include Vilavankod and a portion of Neyyattinkara taluks within Kodayar Irrigation Project by completing the Right Bank Channel ; and

(*d*) whether any preliminary survey was conducted to complete the Right Bank Channel and the cost, if any, the Government have incurred for the same?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : (*a*) None at present.

(*b*) Working at a profit.

(*c*) Yes.

(*d*) Yes ; Rs. 1,27,753.

MR K. MAHOMED HANEEF (*Nominated*): May I know with reference to the answer to part (*b*) of the question, the percentage of profit during 1110?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : 1·1 per cent.

MR. K. R. ELENKATH (*Kalkulam I*) : With reference to the answer to part (*b*) of the question, may I know from Government why the idea of including a part of Neyyattinkara and Vilavankod was abandoned ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : The chief reason is inadequacy of water in the reservoir and another was the prohibitive cost.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : With reference to the answer to part (*c*) of the question, may I know whether this reason *i. e.*, inadequacy of water in the reservoir was brought to the notice of Government after the completion of the project or during the work?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : I think the Right Bank Channel also was included in the original scheme. Three miles of the channel were cut at much expense ; but later on it was found that there will be insufficiency of water in the reservoir.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether during the work in connection with Kodayar Project, this contingency of the reservoir not holding sufficient water to feed both the R. B. and L. B. channels was brought to the notice of Government?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): I do not know Sir. It was brought to notice in time to prevent further expenditure on the Right Bank Channel.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether a supplemental scheme for putting up a dam across the Chittar a tributary to the Kodayar, was considered by Government during the Kodayar Project work?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): I am prepared to accept that information.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether the Government is prepared to work up that scheme if it is found feasible?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): It is under consideration.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether that scheme was submitted by an Italian Engineer?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Such a scheme is under consideration.

MR. K. R. ELENKATH (*Kalkulam I*): May I know the date on which the preliminary survey was conducted?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): I think it was before 1906, since the expenditure was incurred in that year.

MR. K. R. ELENKATH (*Kalkulam I*): Have the Government accepted the scheme.

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Government have abandoned it.

Wages given to artisan employees.

295. ***MR. G. NILAKANTAN** (*Nominated*): Will the Government be pleased to state:

(*a*) the wages given to an adult skilled artisan employed in the P. W. or Maramath Department under daily wages system; and

(*b*) the wages given to an adult unskilled labourer employed under the daily wages system in the above departments?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (*a*) In the Maramat Department the daily wages given to an adult skilled artisan range from Chs. 24 to Re. 1-7-0 each according to the nature and intricacy of the work; while in the P. W. D. it ranges from Chs. 14 to Re. 1-21-0 per day.

(*b*) The wages of an unskilled labourer in the Maramat Department is Chs. 12 per day and in the P. W. D. it is between 10 and 14 chuckrams per day.

Widening of the Main Road from the Museum to the East Fort.

296. *MR. S. J. NAIR (*Nedumangad*): Will the Government be pleased to state:

(*a*) whether there is any proposal to widen the Main Road from the Museum to the East Fort, Trivandrum;

(*b*) the probable date of the commencement and termination of the work;

(*c*) the estimated cost of the work; and

(*d*) the width of the road when finished?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) No.

(*b*), (*c*) & (*d*). These do not arise in view of the answer to part (*a*).

MR. S. J. NAIR (*Nedumangad*): May I know whether the town-planning scheme includes the widending of the main road from the Museum to the East fort?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes.

MR. S. J. NAIR (*Nedumangad*): When do the Government intend to take up the work?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The scheme of widening the road from the Museum to the East Fort is kept in abeyance.

MR. S. J. NAIR (*Nedumangad*): May I know whether Government are aware that the method of improving the roads in Trivandrum as it is being done now, is not justifiable, and may I know whether they would adopt some other better method?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The honourable member seems to be an expert in town planning. I shall refer him to the Government's Town Planning Expert.

Pay wards in hospitals.

297 *MR. P. C. KURIYAN (*Kottayam I*): Will the Government be pleased to state the hospitals in the State that do contain paywards?

MR. JAMES SIMPSON (*Darbar Physician*): There are pay wards in the institutions noted below:

1. General Hospital, Trivandrum;
2. Women and Children's Hospital, Trivandrum;
3. District Hospital, Alleppey;
4. District Hospital, Nagercoil;
5. District Hospital, Parassala; and
6. Victoria Jubilee Hospital, Quilon.

MR. P. C. KURIYAN (*Kottayam I*): May I know why, when pay wards are attached to the two hospitals at Trivandrum and to the hospitals at Alleppey, Nagercoil, Kottarakara and Quilon, for a place like Kottayam which is the headquarters of the northern districts, there is no pay ward

MR. JAMES SIMPSON (*Darbar Physician*): There has been no demand.

Dentists in Government hospitals.

298. *MR. P. C. KURIYAN (*Kottayam I*): Will the Government be pleased to state:

(*a*) the number of hospitals to which dentists are appointed at present; and

(*b*) whether the Kottayam District Hospital has any dentist attached to it?

MR. JAMES SIMPSON (*Darbar Physician*): (*a*) Dentist is appointed only in the General Hospital, Trivandrum.

(*b*) No.

Kottayam Municipal Council.

299. *MR. P. C. KURIYAN (*Kottayam I*): Will the Government be pleased to state:

(*a*) whether the Assistant Inspector of Schools at Kottayam is a member of the Kottayam Municipal Council;

(*b*) whether it was not the practice to nominate Assistant Inspectors of Schools to the Kottayam Municipal Council;

(*c*) whether the present Assistant Inspector of Schools at Kottayam was ever a member of the Kottayam Municipal Council;

(*d*) if he ever was, and if he is not a councillor at present, what are the reasons for suddenly terminating his councillorship; and

(*e*) what were the reasons that weighed with Government to make such a sudden departure from the practice of nominating Assistant Inspectors to the Municipal Council?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) No.

(*b*) The Assistant Inspector of Schools was an ex-officio councillor

(*c*) Yes.

(*d*) and (*e*) In the absence of a Health Officer for the town, Government considered the presence of an officer of the Public Health Department in the Council was more essential in the interests of the public health of the town than that of an officer of the Education Department.

Medical officers in Municipal Councils.

300. *MR. P. C. KURIYAN (*Kottayam I*): Will the Government be pleased to state whether there is any municipality in Travancore where Government have nominated two medical officers to the council?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes. In the Kottayam Municipality.

MR. P. C. KURIYAN (*Kottayam I*): May I know why in Kottayam alone two Medical Officers have been nominated?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The two Medical Officers belong to two different departments, one to the Medical Department and the other to the Public Health Department. The latter has been made a member of the Council very recently. Since Kottayam Municipality has no separate Health Officer, Government thought that he would be useful to the Council in giving advice on matters relating to Public Health

Nomination of non-official members of Municipal Councils.

801. *MR. P. C. KURIYAN (*Kottayam I*): Will the Government be pleased to state:

(*a*) the principle on which non-official gentlemen are nominated to municipal councils;

(*b*) whether there is any minimum qualification fixed for such members; and

(*c*) whether such members are expected to reside within the municipal limits?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) The principle kept in view is to give, as far as possible, fair representation to communities unrepresented by the elections.

(*b*) No.

(*c*) Yes.

MR. P. C. KURIYAN (*Kottayam I*): With reference to the answer to part (*b*) of the question, I would like to know whether, in the Municipal Council, Kottayam, there is any member who does not know how to read and write?

RAO BAHADUR RAJYASEVANIRATA DR. N KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir.

Official President for the Kottayam Municipal Council.

302. *MR. P. C. KURIYAN (*Kottayam I*): Will the Government be pleased to state:

(*a*) whether they have received any representations urging the appointment of an Official President for the Kottayam Municipal Council;

(*b*) if so, the person or persons or body or bodies that made such representation;

(*c*) whether Government have received any representation that the Kottayam Municipality should be superseded; and

(*d*) if so, the person or persons, body or bodies that made such representations?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) No.

(*b*) This does not arise in view of the answer to part (*a*).

(*c*) No.

d) This does not arise in view of the answer to part (*c*).

Opening of a canal connecting the Maveli thodu with the Minachil river.

303. *MR. P. C. KURIYAN (*Kottayam I*): Will the Government be pleased to state:

(*a*) whether they or the Engineering Department have received any representation regarding the urgent necessity for opening a canal connecting the Maveli *thodu* with the Minachil river;

(*b*) if so, what action was taken on such representation ;
(*c*) whether the Chief Engineer has visited the spot ; and
(*d*) if so, when and what has come out of his visit ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : (*a*) Yes.

(*b*) An estimate received from the Chief Engineer is under the consideration of Government.

(*c*) Yes.

(*d*) He visited the spot on the 1st October 1936 and called for fresh proposals.

Appendix I.

***Vide* Answer to Question No. 289.**

Statement showing the pay bills of the V. P. School, Maneed, in Muvattupuzha taluk for each of the months beginning from Dhanu 1111 to Kanni 1112.

Period to which bill relates.		Date of sanction by Assistant Inspector.	Date of despatch to the Headmaster.
Dhanu	1111 ...	4-6-1111	5-6-1111
Makaram	Do. ...	22-7-1111	23-7-1111
Kumbham	Do. ...	1-8-1111	2-8-1111
Meenam	Do. ...	4-9-1111	4-9-1111
Medam	Do. ...	8-10-1111	9-10-1111
Edavam	Do. ...	4-11-1111	4-11-1111
Mithunam	Do. ...	11-12-1111	11-12-1111
Karkatakam	Do. ...	2-1-1112	3-1-1112
Chingam	1112 ...	16-2-1112	18-2-1112
Kanni	Do. ...	10-3-1112	11-3-1112

Appendix II.

***Vide* Answer to Question No. 290.**

List of irrigation tanks in the Chirayinkil taluk converted into garden and wet lands.

Serial No.	Survey No.	Pakuthi.	Date of commencement.	Name of encroacher.	Converted into wet or dry.	Remarks
1	2127	Chirayinkil	2-1-1106	Mathevan Kunjukrishnan, Thittayil Purayidam.	Wet.	..
2	..	..	..	Krishnan Velayudhan Do.	..	..
				Govindan Bhagavathi, Manakattu Purayidam.	..	Encroachments removed in items Nos. 1 to 3.
				Govinda Kurup Narayana Kurup Adikalathu Veedu.	..	..
				Ayyan Raman, Perunadaseri.	..	..
				Kali Raman, Chathola Veedu.	Removal of sand.	..
2	2381	Koonthallor.	26-8-1106	Bhagavathi Amma Kunji Amma, Arattu Veedu.	Do.	..
3	1225	Avanavanchery.	11-4-1106	Ayyappan Pillai Kochunju Pillai, Viruthiyottu Veedu, Attingal.	Dry.	..
4	477	Alancode	1104	Khadir Vappu Peerukannu, Kattuvilakathu Puthen Veedu, Alengode.	Dry.	..

N. B.—Item No. 4 alone remains to be removed.

Appendix III.

Vide Answer to Question No. 292

Statement showing students by castes, from backward and depressed classes other than Muslims and Ezhavas in the Intermediate and B. A. Classes and those among them receiving scholarships and fee concessions.

(*a*) *Depressed Classes.*

		Intermediate Class.	B. A. Class.
1.	Pulaya	2	...
2.	Kurava	2	...
3.	Cheramar Christian	2	...
4.	Sambavar Christian	...	2

Backward classes (Ezhavas and Muslims excluded).

		Intermediate Class.	B. A. Class.
1.	Barber	2	1
2.	Asari	1	1
3.	Edayan	2	1
4.	Pathiyan	1	...
5.	Nadar	4	5
6	Salian	1	2
7.	Paravan	...	2
8.	Chemman	2	...
9.	Nadar Christian	2	3
10.	Maravan	1	...
11.	Vanian	1	...
		23	17

(*b*) *Fee concessions.* *Scholarships.*

		Fee concessions: Intermediate	Fee concessions: B. A.	Scholarships: Intermediate	Scholarships: B. A.
1.	Cheramar Christian	2	...	...	...
2.	Sambavar Christian	...	1	...	1
3.	Pulaya	2	...	...	...
4.	Kurava	1	...	...	...
5.	Pathiyan	1	...	...	...
6.	Saliya	...	...	...	1
7.	Nadar Christian	...	...	2	3

NOTICES OF ADJOURNMENT MOTIONS.

PRESIDENT : I told honourable members of the Assembly yesterday that I had received certain notices of adjournment motions, and I chose one for discussion yesterday. I have received the following motions. One of them relates to—

> "The unsatisfactory nature of the arrangements for the conduct of election to the Legislative Bodies as disclosed by the recent publication of the preliminary electoral roll and the fixing of the polling stations."

Another relates to—

> "The apprehension in the minds of agricultural debtors and the dislocation and suspense of business transactions in the country, owing to the great indefinite delay taken by the Government in setting up Conciliation Boards as provided in the Travancore Agriculturists' Relief Regulation of 1112."

The third relates to—

> "The anxiety caused to the public by the recent Press Note published by the Chief Engineer regarding the unsatisfactory nature of the ground and subsoil where the present Pallivasal Power House is located and the consequent decision on the part of the Government to build a Power House on a more convenient site on the banks of theMuthirampuzha River, thereby causing huge additional expenditure to the State and obvious delay in supplying power for the use of the public.

All these are in order, and I shall presently say something about them. I have also received notice of another adjournment mo i n relating to—

> "The serious hardship and loss caused to the Valans (the fishermen) in the matter of back-water fishing by registry-holders of adjacent paddy fields re sorting to what is known as paddy-field fishing."

This has been going on for several decades;

It is not a matter of urgent public importance and is therefore disallowed.

I wish to know from honourable members whether there is any objection in allowing the first motion relating to elections. (*No objection was raised*).

I leave it to the House to decide when they will discuss it. It is just possible that the discussion on the Bar Council Bill may not take up the time till two o' clock. There is nothing in the rule against adjournment motions being taken up earlier than 3.30. It is open to the house to take up the motion at 3-30 or as soon as the Legislative business is over. If I do not hear any dissent, I shall adopt the latter course, and take it up as soon as the Legislative business is over.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Is the discussion to last only for two hours in that case also?

PRESIDENT : You will find that two hours is indicated as the maximum, in the rules.

In regard to the other adjournment motions, I will make the announcement tomorrow.

LEGISLATIVE BUSINESS.

THE TRAVANCORE BAR COUNCIL BILL, (*contd.*)

Clause 9. (*contd.*)

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Last evening, I was dealing with the motion of Mr. Damodaran Asan that sub-clause (*e*) of Clause 9 (2) be omitted. This clause enables the Bar Council to make rules for charging fees payable to the Council in respect of enrolment. I was saying last evening that this provision was unobjectionable in-as-much as it would be recognised without any doubt that the Council should have some source of revenue, and the most readily available source of revenue would be a fee in respect of the enrolment of advocates. But Mr. Asan points out that in the previous section it is provided that fees may be prescribed by Government. I have considered the matter and I find that that these two provisions are somewhat inconsistent. If this Bill proceeds to the next stage, I intend to propose suitable amendments to clause 8 (2). That will make the provisions quite consistent.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : In view of that fact, I do not want to press my amendment.

MR. K. C. ABRAHAM (*Kottayam II*) : I beg to move that:—

Sub-clause (3) *to Section 9 be deleted. Sub-clause* (3) *reads thus*:

> "Such rules shall also provide for the first and the second grade pleader enrolled as vakils of any Civil Court in Travancore before the first day of Chingom 1113 M. E. being qualified to apply for admission as advoates as the result of an examination held from time to time by or under the supervision of the Council.

It seems to me that there must be some protest outside this House against the idea contained in the amendment; but, nevertheless I shall try to make headway so as to make clear what exactly is the purport of the amendment. In the first place, I wish to observe that by this amendment it is not meant to offend the feelings of any individual or class of persons. It is only from the larger point of view, not I am sure of administrative expediency, but what I would call the requirements of the administration of justice, that I wish to move this amendment. The Vakils' Regulation has been lying in the Statute Book of the State and from 1040 and 1075 these Regulations have been working on. It was never considered or even whispered as the legitimate aspiration of the 1st and 2nd grade pleaders that they should be admitted to the rank of High Court Vakils. But now I understand that when this Bill has been introduced for the consolidation and the creation of a corporations of the Bar as a whole, there is an aspiration on the part of the pleaders who are as yet qualified or recognised to be qualified only to practise in the lower courts to be enrolled as advocates of the High Court. I might personally say that, on account of the admission of these classes of

[Mr. K. C. Abraham.]

pleaders, there is not going to be any great catastrophe so far as the administration goes, except it be that this addition of new hands, which by all recognised principles of administration of justice have been considered to be unqualified for the purpose of administering higher departments of law and for carrying on judicial administration in the higher walks, will be allowed admission into those portals of justice where they have been hitherto considered unqualified. Sir, in considering this question, I think that it is not exactly the question of personal merit that is to be considered, but the question of capacity and qualification and the equipment necessary for the purpose of helping and carrying on the administration of justice. I say this because an advocate being entitled to become a judge of the High Court or a subordinate judge, it is quite possible that the pleaders might subsequently aspire even to be on the Bench of the highest court in the land, That is quite possible, and when such a contingency arises, we have to examine what would be the kind of material that would be qualified for the purpose of filling the Bench and ministering at the Bar. There was a few years ago a report by the Law's Delays Commissioner in which it was very distinctly stated that there was not even a whisper of the first and second grade pleaders being aspirants to the place of High Court Vakils or for that matter, that there was any necessity for altering the law prescribing the qualification for enrolment as High Court Vakils, I believe that the system has been working satisfactorily. Now at a time when the Bar is sought to be made more efficient and welded into a corporate institution, and though not directly, indirectly, to raise the level and standard of the Bar as such, so as to hold its own with the Bar elswhere and, as I understand, also to keep our heads high when the federal scheme of things comes into existence when the advocates practising in the courts of the Federated States also are allowed to practise before the Federal Court, it seems to me nothing less than ridiculous for this country to lower the standard of the Bar by the admission of such material as can never aspire to practise before the shighest court in the land, with learning or efficiency. Sir, as I paid, there has been a lot of encomiums showered upon the fractitioners in the mofussil by the Law's Delays Commissioner. In act, it has been found that they are best fitted for adequately carrying on the work to which they have been called. In the Munsiffs' Courts, and some times even in the District Courts it was said that those members of the Bar were able to hold their own with the best Barrister or Vakil of the High Court. That may be so. As a matter of justice, I admit that there may be individuals who might be well versed in the art of pleading and in carrying on cases from end to end. But I submit that that is no reason why the standard of the Bar as such should be lowered. In their own spheres they might have been doing their legitimate work properly. But the question is whether they have the necessary qualification and equipment to be enrolled as vakils of the High Court. It has been recognised in every civilized country that

for the carrying on of these liberal institutions of service as I would call them they require a standard of general education and cultural attainment as the ground work of legal training. It is rather difficult to concede that in the system of law and jurisprudence as administered in our High Court it is possible for the ordinary matriculate to understand the principles and foundations of law which are the absolute essential requirements for the practitioners of the High Court. If they cannot understand the principles, I do not know how through a test examination they could be carried through the entrance hall of the High Court Vakils' or Advocates' particular preserve. Therefore, my submission is that this provision as it stands is derogatory and retrograde. It goes back upon the established principles in this country to admit them into the High Court. I do not know what exactly the consequences will be in relation to the Bar as it would develop with the coming in of Federation. It would be a very sorry thing to see the Bar of the State looked upon by sister High Courts as inferior. I dare say that the infiltration of these first and second grade pleaders into the ranks of advocates will necessarily result in that great calamity. Therefore I leave this amendment to the sense of fairness and justice of the House.

MR. S. J. NAIR (*Nedumangad*) : May I know whether the member is aware that in Bombay, under the Bar Councils Act, matriculates and school finals who appear and pass the Advocates' examination, can become advocates of the Bombay High Court ?

MR. K. C. ABRAHAM (*Kottayam II*) : I am aware that there is a rule in Bombay enabling first and second grade pleaders to become advocates of the Bombay High Court by passing an examination. But my humble view is that such a rule should not be introduced in this country.

PRESIDENT : The honourable member might as well have added that those advocates are not entitled to practise on the original side of the Bombay High Court.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Sir, I rise to second the amendment moved by my friend Mr. Abraham. I do so under an impelling sense of duty. A good deal of agitation has been carried on and the amendment has been the subject of a large number of protesting resolutions from various meetings convened by pleaders of the two classes. I believe that there has been a great misunderstanding on the part of these men who think that there is something against them in this amendment. I wish to disabuse their minds of that. It may be said that the people who are now practising in the High Court will be jeopardized by an influx of people who are now practising in the lower courts and who may pass the examination to be held under the supervision of the Bar Council and come and practise in the High Courts. That is not the question at all. I do not think many of the pleaders will care to appear for this examination and come up to the High Court

[Mr. K. Kunjukrishna Pillai.]

and, even among those who appear for the examination, many may not come out successful. I am told that even in Bombay many have not availed themselves of the opportunities of practising as advocates by passing the examination. It is not therefore because of any apprehension of that kind that I stand up now to support this amendment. But Sir, as it has been pointed out we are going to become a part of the Federation. Our High Court and our Bar and our advocates will be entitled to practise before the Federal Courts.

PRESIDENT: Order, order. I think it may be useful for honourable members to know that, whether any particular State joins the Federation or not, the Federal Court will come into existence this October and the right of practising in the Federal Court will arise independently of our joining the Federation.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Therefore irrespective of the fact whether we join the Federation or not, the Federal Court will come into existence, and it will be a great and valued right for the advocates of our High Court to get the right of practising in the Federal Court. The question of their admittance to the Federal Court will depend upon qualifications we fix for advocateship in our High Court. There has not been any recommendation in recent times for lowering the qualifications of advocates. I am at a loss to find any reason for lowering the qualifications for practising in our High Court. An argument has been built up on a statement made by the Law's Delays Commissioner.

At page 815 of the report of the Law's Delays Commissioner, the following statement appears:

> "This suggestion is not meant as a disparagement of the very valuable work that is being turned out by the pleaders who now practise before the subordinate courts in the land. As a rule they are the acknowledged leaders of the Bar in the mofussil, and many of them will, in point of professional skill and experience hold their own with the most successful Barrister or Graduate-in-law and their local influence as leaders of public opinion cannot also be underrated."

Sir, a good deal of argument has been built upon this laudatory sentiment expressed by the Laws' Delays Commissioner. If we read the whole paragraph dealing with the congestion at the Bar, we find that this laudatory sentiment was expressed merely to say in the end that hereafter these people who are now practising in the lower courts should not be allowed to appear in courts, but should only be allowed to act as attorneys to Graduates in-law who might be going to moffusil courts. Therefore the Law's Delays Commissioner has been definitely against the enhancement of jurisdiction if I may say so of the first and second grade pleaders. He has referred to their invaluable service and used all that sort of kindly phraseology merely to deprive them even of their present rights.

He has definitely stated:—

> "The problem should be approached not so much from the standpoint of administrative expediency, as from that of efficiency in the administration of

justice. Litigation has grown not only in volume but also in complexity; and a practitioner can really assist the court, only if his general education and special attainments are such as to enable him to understand and to apply intelligently the decisions on the various questions of law that crop up from day to day. These considerations lead me to the conclusion that there is no longer any need for a class of lawyers with a lower standard of education and attainments than that of the Graduates-in-law".

Thus the opinion of the Law's Delays Commissioner is definite on this point. Nobody denies the useful work of the first and second grade pleaders in the mofussil courts. But everybody admits that practising in the High Court is different from practising in the mofussil courts. Of course, there may be exceptions in every group of lawyers. There may be people who are extraordinarily able and who may shine even in the High Court. But, is it wise, in order to provide for such rare and phenomenal exceptions, to depreciate the value generally, of our Bar?

That is the question we have to consider. My friends who happened to sympathize with the first and second grade pleaders' cause should also consider this question dispassionately and not from the point of view of conferring benefits to the first and second Grade pleaders or of depriving the advocates, of some benefits. For, these questions do not arise. We have now to consider the question of efficiency and prestige of the Bar of this State. That is what I want. If we consider the question from the larger aspect and from the general point of view, I am sure, my friends who advocate the cause of the first and second grade pleaders will surely come to the conclusion that it is not wise to provide for a general lowering of the standard of the High Court Bar to provide for very rare exceptions who might be benefited by it.

Sir, it has been pointed out that in the Bombay High Court, people who are matriculates, or who have passed the School Final Examination are also allowed to appear for a general test, and, if they pass such test, are allowed to practice in the High Court. But it has been pointed out that there are certain restrictions imposed on them.

MR. S. J. NAIR (*Nedumangad*): May I know from the member what is the sort of restriction imposed in Bombay?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): It has been pointed out by the Chair that the people who pass these tests are not allowed to appear as Vakils on the original side.

PRESIDENT: As for that matter, in Bombay, only Barristers can practise on the original side.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Further granting for arguments' sake that what is adopted in Bombay should be blindly followed here, even then, I cannot understand the object of Clause 3 as introduced by the Select Committee. Why should the benefit be restricted only to people who have been fortunate enough to be enrolled as Vakils till 1st Chingam 1113. In Bombay, there is no such restriction. Anybody who passes the advocates' test is allowed to practice

in the High Court. Why should the authors of Clause 3 make it a close preserve for themselves? Once they concede that there may be a lowering of the standard, I cannot understand for a moment why there should be a restriction at all? Why not all people be given the same rights? The present clause is not so comprehensive as to include people who have never practised in courts before 1113.

Sir, the Pleadership Class has already been abolished. This is merely an attempt now to provide for the existing pleaders a higher position so that they may practise in the High Courts. One other aspect has also to be considered. It has been recorded by the Laws Delays Commissioner, as well as by the Indian Bar Committee who went into the question, that an abnormal increase of practitioners leads to a deterioration of the bar as a whole and conduces to and even accentuates the delay in courts. It has also been pointed out by the Indian Bar Committee that one of the primary objects of every Bar should be to eradicate the evil of touting. Where admissions are large, touting has increased apace. It will be going against the spirit of the Bar Councils Act to provide for a rush or an abnormal increase of practitioners. The Indian Bar Committee in their Report, say—

> "One of the principal causes of the existence of this evil is the serious over-crowding of the legal profession. Touting has undoubtedly increased with the increase in the numbers admitted. It would appear that in some Provinces in the near future there will not be any necessity to retain the lower grades of legal practitioners. If the profession of the law is closed to all but those who have qualifications entitling them to practise in the High Courts and the qualifications of entrants are raised, the number admitted should not be excessive and it may be possible to enforce a higher standard of discipline.
>
> We trust that the Bar Councils will regard the suppression of touting as one of their principal concerns."

The Bar Council that is to come into existence in Travancore will, I am sure, also be exercising themselves strenuously to stop this evil of touting. It will be the greatest impediment that we can place in their way if we provide for an abnormally large increase in the number of Advocates.

The Laws Delays Commissioner gives the figures of graduate Vakils and pleaders. There were about 700 and odd graduate Vakils at the time when the Commissioner published his report, that is in 1932. According to the rate of increase as shown by him, the figure will now be a little less than 1,000. The number of pleaders at that time was 1,008 and their number will come to about 1,200 now. Let us take it that all these people are admitted for the examination. I must say frankly, Sir, that I am not much of a believer in the conduct of examinations by this Bar Council. There is the likelihood of the examinations being very lax, and the Bar Council may be induced to be very generous. There are various reasons for that. The facts and circumstances which made it possible for this clause to find a place in the Bill at the Select Committee stage, I trust, will operate with equal effectiveness in the matter of examinations as well. We

must take account of that. I do not mean any disparagement to the Bar Council that is to come into existence. I apprehend that a large number of people may come in through this door of examinations held under the supervision of this Bar Council. I am sure, that will surely deteriorate the standard of the Advocates in our State. Even if we grant for a moment that the examinations will be strict and will prove a real test, we will have to take into account outside opinion in regard to this matter; because, we are going to enact this measure at a crucial time in the history of our land. This provision will be a point for people outside to decry us: they may say that the bar here consists of a vast majority of people who have not even passed the school final examination, for even those who were not qualified S. S. L. C. holders, were being freely admitted into our Pleadership Classes, and many of them have passed the Pleadership examination and *are* Vakils. If general education is a test, whatever may be one's intelligence or one's success at the Bar, it cannot be denied that their lack of general education will be a great handicap to the Bar Council to which they are to form the electorate and which, under this measure, is going to have substantial control over the administration of justice in the country. According to this Bill, large powers of disciplinary control are to be transferred from the High Court to the Bar Council. Members to the Bar Council are to be elected by an electorate consisting of all these unqualified people, I mean persons who have come through the door of examinations held by the Bar Council. We must also visualise the outlook of these people whatever might be the examination that may be prescribed. They will have the consciousness that they form a separate group within the Bar. It is very difficult to get rid of that consciousness. They will form a clique inside the Bar Council. That is far from the intentions of the Bar Council Act. The very object of the enactment is to build up a homogeneous Bar. That will be a psychological impossibility under this provision. It is but natural; no legislation can obviate that. They will form a clique; they may be clever at manoeuvring and they may succeed in getting control over the Bar Council and gentle men like Mr. K. C. Abraham may be victimised and they will have no place in the Council. Really eminent advocates will be excluded. On the whole the Bar Council which is to be entrusted with the discharge of the important duties which are now being discharged by the highest tribunal in the land will be left to a class of people who are, in any event, new in the field. Sir, this will have serious repercussions.

I have already pointed out, Sir, how this will create a great impediment in the way of the Council combating the evil of touting. According to expert opinion touting increases with numbers. And you are providing for increase of numbers indefinitely. The provision is not consistent with the spirit of the measure.

MR. S. J. NAIR (*Nedumangad*): May I ask whether touting has not increased amongst the High Court Vakils?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): It must be admitted that there is touting. One of the reasons why the Bar Council Act is to be passed is to check the evil of touting. That evil has to be combated. I say that the admission of larger numbers of Vakils will be an impediment in the way for the eradication of the evil of touting. I hope my friend will realise that. That is the reason why I say that the admissions must not be prolific,

There is one other point I wish to state. This is a matter which requires very serious consideration. The Select Committee would have done better if they had consulted the High Court in this matter. I consider that a matter of paramount importance, because we are going to transfer certain powers from the High Court to the Bar Council; so the opinion of the High Court would have been of very great assistance. It must be admitted that this House itself on a previous occasion virtually rejected the idea of allowing First and Second Grade Pleaders becoming Advocates. The Law Member then stood up and very strongly opposed that idea. I am not in a position to understand the silence of the Law Member, as revealed by the Report of the Select Committee.

PRESIDENT: Probably the Law Member does not want to interrupt the honourable member. That is the reason for his silence.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I am referring to the Report of the Select Committee, and to the list of amendments. There is no amendment in the name of the Law Member. Probably it may be because my friend Mr. K. C. Abraham has brought forward an amendment; the Law Member may support it. That is another matter. It would have been a very valuable guidance to this House if he had noted his opinion on this important amendment and it would have been a real help to the House in carrying on the discussion. I hope he will give us the benefit of his opinion on this matter. It is very necessary for us to have it. I think the House will realise the very serious import of the clause that has been introduced by the Select Committee. That is a matter on which the House has once signified its dissent by an overwhelming majority. Unless there are overwhelming reasons, I am sure this House will not revise its decision. The Bill brought forward by my friend Mr. S. J. Nair, comprising this idea, was not allowed even to be introduced. It was rejected.

MR. S. J. NAIR (*Nedumangad*): May I correct the member? It was not rejected.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): If it was not rejected the member might have withdrawn it and there was very great difficulty for him even to withdraw it.

MR. S. J. NAIR (*Nedumangad*): It was withdrawn on the assurance given by the Law Member that the principle involved in my Bill would be taken into consideration when the Bar Council Bill is introduced It was on that assurance that I withdrew the Bill.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I rise to oppose the amendment brought forward by Mr. K. C. Abraham. In the first place the Select Committee appointed by this House after considering the question in all its aspects have adopted in the Bill this provision which is now sought to be deleted by the present amendment. Sir, the opinion of the Select Committee on such matters is entitled to great weight and shall not be allowed to be lightly brushed aside. One of the arguments advanced in support of the amendment is that this provision, if accepted, will lower the status of the Travancore High Court and of the High Court Bar, on account of the inclusion of the First and Second Grade Pleaders in the category of the advocates. This is obviously not a valid ground for the deletion of the sub-clause under discussion. Because there is no case that the Bombay High Court is in any way inferior in status or efficiency to any other chartered High Courts in British India.

PRESIDENT: Unless honourable members are careful enough to realise the full implications of these statements it will be misleading to make them. I may mention at once that the Advocate General of the Madras High Court was not allowed to practise on the original side of the Bombay High Court after this rule was passed on the ground that he was not a Barrister and also on the ground that the High Court reserves to itself the right to allow or not to allow people to argue on the original side, which alone after all, really matters in Bombay. The Advocate General and the retired Chief Justice were not allowed to practise on the originial side of the Calcutta High Court, on the same ground. Each High Court has got its own standards and rules. Merely stating that the Bombay High Court has passed rules enabling pleaders to practise before the High Court does not lead us anywhere. It is better to deal with the discussion on the merits without reference to what is taking place elsewhere; because there are many exceptions which cannot be dealt with unless the honourable member is prepared to refer to all the rules of the Bombay High Court and go into the matter in some more details.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I am in possession of the rules of the Bombay High Court. Even today under the rules of the Bombay Advocate's Examination passed under Clause (c) of Section 15 of the Indian Bar Council Act of 1926, all persons who pass the Bombay Advocate's Examination are entitled as of right to be enrolled as Advocates of the Bombay High Court. The qualification prescribed under the rules to appear for the Bombay Advocate's Examination is only School Leaving Certificate Examination and not even the Pleadership Examination or practice at the subordinate Civil Courts' Bar. Therefore the argument in support of the amendment on the score of the graduate standard of general education falls to the ground. Sub-clause (3) of Clause 9 of the Bill is only a provision for direct recognition of the right by which the First and Second Grade Pleaders can become even today the vakils of the Travancore High Court without passing the B. L. Degree Examination. Even according to the

present system of law in Travancore, under rule 411 of the Civil Court Guide, First and Second Grade Pleaders of Travancore can become vakils of the High Court in Travancore if they get themselves enrolled as Advocates of the Bombay High Court after passing the Advocate's Examination. Rule 411 of the Civil Court Guide says —

> "No one shall be eligible for enrolment as a Vakil of the High Court of Travancore unless he is a Barrister-at-Law or a member of the Faculty of Advocates of Scotland or a Doctor or Master of Laws of any University in British India or an enrolled Advocate, Vakil or Attorney of a Chartered British Indian High Court or a Bachelor of Laws".

Under this rule it is clear that an enrolled advocate or vakil of a Chartered British Indian High Court can become a High Court Vakil in Travancore. The First and Second Grade Pleaders in Travancore are persons who have passed the School Leaving or Matriculation Examination and who can very well appear for the Bombay Advocate's Examination. After passing the Advocate's Examination they can get themselves enrolled as vakils of the Bombay High Court and the next day they can apply for a *sanad* to practise before the High Court of Travancore. So, my submission is that the present provision is only a direct recognition of the existing vested right of the First and Second Grade Pleaders, and there is nothing new in it. If it is possible for a Pleader First or Second Grade, to appear for the Advocate's Examination conducted by the Bombay Bar Council and then apply for a *sanad* to practise in the Travancore High Court, is it not better to make some provisions here to enable those Pleaders to appear for such a similar examination in the State itself and then apply for a *sanad* to practise in the High Court. In this connection I am constrained to observe that the honourable member who has attached a dissenting note to the report of the Select Committee is quite ignorant of the rules of the Bombay Advocate's Examination. From the arguments advanced on the floor of the House it is clear that some of the honourable members entertain a misapprehension that when First and Second Grade Pleaders are allowed to become Advocates they may also claim a right to practise before the Federal Court or to be appointed as Judges of the Federal Court. If any member of the House entertains such a fear we are quite prepared for some specific provision being made in this Bill itself to the effect that such Advocates shall not claim such a right.

MR. P. C. KURIYAN (*Kottayam I*): I would like to know whether it is competent for this House to make any provision regarding the qualification for a Vakil to practise before the Federal Court?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Yes, so far as the Bar Council in Travancore is concerned this House is quite competent to make any provision regarding the qualification for a Vakil to practise before the Travancore High Court and consequently before the Federal Court.

PRESIDENT: What the member means is that we can make our own rules. It does not matter whether other people recognise our rules or not.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*); Sir, others are also bound to recognise our rules. It is stated in the dissenting minute attached to the Report of the Select Committee—

> "In Bombay, where an examination is offered for the enrolment of pleaders as Advocates, I understand that it comprehends only the absorption of graduate First Grade Pleaders; and that is intelligible."

From the facts I have already submitted the argument based on the graduate standard of general education, falls to the ground. So, I appeal to the House for a sympathetic and generous consideration of the question and for the unanimous acceptance of the provision embodied in the Bill. Moreover a reflection is sought to be cast upon the Travancore Government or the Bar Council to be constituted in Travancore, that it may not be possible to conduct the proposed examination strictly and honestly. This may be considered as a silly argument. Because even at present, some of the Examiners for the M. L. and B. L. Examinations are members of the Travancore High Court Bar. There is no complaint as yet that they are not capable for the work entrusted to them. Considering all these aspects, I would request the House to throw out the amendment.

MR. S. J. NAIR (*Nedumangad*): Sir, I oppose the amendment. The object of the Travancore Bar Council Bill is stated in the "Statement of Object and Reasons." To quote the very words as contained in the Statement of Objects and Reasons, it is "with a view to convert the members of the legal profession in Travancore into an enormous body." With reference to the number of men who are engaged in the legal profession in Travancore, according to the Report of the Laws Delays Commissioner published in 1931, there are 835 B. Ls. in all in the whole of Travancore. Of these 286 are practising before the High Court, 478 practising before the District Courts, and 71 practising before the Munsifs' Courts. Against this number there are 81 First Grade Pleaders and 927 Second Grade Pleaders. In other words, on the one side there are 835 B. Ls and on the other side there are 1008 pleaders. How to make all these 1843 persons engaged in the legal profession in Travancore into an autonomous body? That was the question that the honourable members of the Select Committee had to consider when this Bill was send up for their consideration. In order to raise the status and position of 1008 pleaders practising in several courts in Travancore, the Select Committee justly and rightly introduced an amendment as sub-clause (3) to Clause 9; and the honourable member, Mr. K. C. Abraham now wants to see that that amendment rightly and wisely introduced by the members of the Select Committee, is deleted.

Sir, sub-clause (3) of Clause 9 is not intended to raise the status and position of the pleaders in the State by any magic wand. By that clause it is intended to raise their position as a result of an examination to be held from time to time. Sir, the examination is to be held under the supervision of the Bar Council; and the members of the Bar

Council will be gentlemen just like Mr. K. C. Abraham, learned and at the same time prejudiced against the first and second grade pleaders as can be seen from the dissenting minute of the learned member. The members of the Bar Council under whose direction examinations are to be held, will be very particular in seeing that only a very few get through.

PRESIDENT : In other words, the honourable member suggests that they may give directions to the examiners.

MR. S. J. NAIR (*Nedumangad*) : Not exactly that, Sir. The rules have to be made by them ; the examiners will be selected by them and they will give the necessary directions to the Board of Examiners. So there need be no apprehension that all the pleaders in the State will all of a sudden would become Advocates , and that they by their cleverness would oust the.........

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : If that is so, why should the member be particular in having that sub-clause ?

MR. S. J. NAIR (*Nedumangad*) : In order to satisfy the object of introducing the Bar Council Bill. It has been already stated that the object of the introduction of the Bar Council Bill is to make the legal practitioners in Travancore an autonomous body. How can that be achieved if more than one thousand persons who pursue the practice of law in the State are excluded ? That object can only be served by absorbing the pleaders also to the same status as that of the Advocates. In order to see this accomplished the provision in sub-clause (3) to Clause 9 has been made by the Select Committee.

Then Sir, it is seen from the amendment that, only by passing an examination, the pleaders could enrol themselves as advocates and practise in the High Court. Well, Sir, the Bar Council will see that the pleaders should undergo a very difficult test for this. If any pleader satisfies that test what objection is there in permitting him to get himself enrolled as an advocate and practise in the High Court ? I may say, that our Bar Council Bill is more or less on the lines of the Indian Bar Councils Act. Under Section 15 (c) of the Indian Bar Councils Act, 1926, the Bar Council of the High Court of Judicature at Bombay have passed certain rules to hold the Advocates' examination. Those rules have been published under Section 15 (c) of the Indian Bar Councils Act, 1926 under No. 2427 at pages 938 to 941 of the Bombay Government Gazette, dated 23rd April 1931. Under these rules, Sir, an examination known as Advocates' Examination is being held twice every year under the supervision and direction of the Bombay Bar Council, and the following persons are eligible to appear for the examination privately : " Every candidate for the examination.........

PRESIDENT : Order. Order. I indicated beforehand that it would be misleading to refer to these rules. I have myself had occasion to preside over the All India Lawyers' Conference in 1924 and we had a discussion there on this very matter. From that time I have been taking a keen interest in it. As this matter is of paramount importance

I shall state a few facts to help the present discussion. It is not true that the Bombay High Court has passed rules enabling people to become advocates entitled to practise on all sides of the Bombay High Court. It is true that certain rules have been passed, and an examination is held to enable persons to become advocates as they are called. But these advocates, under the rules referred to by my learned friend cannot practise on the original side of the High Court. Advocates who are not graduates in Arts or are not Barristers cannot practise on the original side of the Bombay High Court. Both in Bombay and in Calcutta, an advocate who is a Barrister and a Graduate in Arts and in Law can alone practise on the original side. The reason why I mention this is that, in Bombay and Calcutta, the original side is supposed to be the most important side of the High Court. Even in Madras, formerly, only Masters of Law were allowed to practise before the High Court; it was only comparatively recently that Graduates-in-Law were allowed to practise before the High Court.

Therefore the rules relied upon by the honourable member do not relate to the right to practise on the original side. The honourable member will do well to refer to paragraphs 37, 38, 39 & 40 of the Indian Bar Committee's Report.

MR. S. J. NAIR (*Nedumangad*): Sir, the general qualification prescribed to appear for the Advocates' examination at Bombay are the Matriculation Examination of the Bombay University or the School Leaving Certificate Examination from the Joint Examination Board, or the School Leaving Certificate Examination from the School Leaving Examination Board of the Bombay University, or an examination recognised by the Bar Council as equivalent to or corresponding with the School Leaving Examination of the Bombay University or any examination from time to time prescribed by the Bar Council as an Examination on passing which a candidate becomes eligible for being admitted to the examination. These are the examinations prescribed, in Bombay as general qualification for admission to the Advocates' examination. Moreover, he or she should be a person of good moral character and he or she should be a subject of the King Emperor or a subject of a Native Prince or State in India under the suzerainty of His Majesty, either by birth or naturalisation.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Why not leave it to the High Court to frame the rules for the examination?

MR. S. J. NAIR (*Nedumangad*): The rule-making powers are vested with them. There is absolutely no provision in the Bill which refuses the High Court the right to make the necessary rules with regard to this examination. And the advocates who pass the Bombay Advocates' Examination are entitled to be enrolled as advocates of the Bombay High Court and can practise there on the appellate side.

PRESIDENT: Conditions in the Bombay High Court are very peculiar. They have 11 Judges and 7 of them sit on the original side. The number of cases instituted in the appellate side does not come to

[President.]

even half of the total number instituted in the Bombay High Court. The Bombay High Court, on the appellate side, is really considered to be a Cinderella.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know from the member whether there is any original jurisdiction for the Travancore High Court except on matters relating to contempt of court ?

MR. S. J. NAIR (*Nedumangad*) : No, there is no original side here. Why I advert to the rules at Bombay is to make the honourable members of this House understand the position of advocates in Bombay, As has been pointed out by my friend Mr. T. P. Velayudhan Pillai. under rule 411 of the Civil Courts Guide even the S. S. L. C. advocates of Bombay are entitled as a matter of right to get *sanads* to practise before this High Court. If such persons who have passed only S. S. L. C. Examination can by paying Rs. 50 as examination fee to the Bar Council at Bombay and by getting through that examination practise on the appellate side of the Bombay High Court and get *sanads* for our High Court also, what objection is there in retaining the present provision in our Bar Council Bill.

MR P. C. KURIYAN (*Kottayam I*) : May I know from the member whether there is no other way at present for the pleaders to get a High Court *sanad* than by passing the Bombay test ?

MR. S. J. NAIR (*Nedumangad*) : There is certainly another course open to the pleader. If he is in a position to waste Rs. 8,000 for going to Ireland and qualifying himself as a Barrister, he will be entitled to practise not only before the Travancore High Court, but before all High Courts in the Indian Empire, as well as in the British Dominions.

MR. P. C. KURIYAN (*Kottayam I*) : Is the member aware that by taking the B. A. and the B. L. degrees they can practise in our High Court ?

MR. S. J. NAIR (*Nedumangad*) : No Sir, the B. Ls after passing the B. L. examination cannot practise in our High Court. They will have to practise first in the District or in the Munsiffs' Courts at least for one year. Then they will have to pass the High Court Test examination before getting a *sanad* to practise in the High Court, or they should have five years practice in a subordinate court. But these rules are going to be changed now under this Bill.

MR. P. C. KURIYAN (*Kottayam I*) : What prevents the pleaders from passing the B. L. degree examination and the High Court Test ?

MR. S. J. NAIR (*Nedumangad*) : Nothing prevents any man or any woman from passing the B. L. examination. But why should we waste our time, why should we waste our money ; why should we waste our energy ; and why should we waste our brains by unnecessarily passing the B. L. examination to practise in the High Court (*Laughter*).

Well Sir, the profession of law is an art, it is not a trade. It is a very well known fact that even today there is none to rival pleaders like the late Shencotta Ramier and Kavalam Neelakanta Pillai. The famous lawyers of our High Court like our Deputy President, the Law member, Mr. Kukilliya cannot stand comparison with them. Our present Head Sirkar Vakil was a junior under Mr. Paramesvaran Pillai, a pleader. Almost all the lawyers in Trivandrum were juniors under this famous pleader. Even today there are many B. Ls. who are undergoing training under pleaders. If we go to the office of Mr. Narayanan Nair a pleader, we can see not less than a dozen B. Ls. undergoing training in his office. I submit, therefore that since the profession of law is an art, so long as the control and guidance of the examination are to be vested in the Bar Council there can be no objection to the provision contained in sub-clause (3) of Clause 9.

Sometime back I introduced the Vakil's Regulation Amendment Bill. Leave to introduce the Bill was granted without any objection on 15-10-1109. It was formally introduced on 11-10-1110. It was taken into consideration and a heated discussion ensued. Many gentlemen like Mr. P. K. Narayana Pillai, who was one of the greatest lawyers and was also a judge of the local High Court supported the principle of the Bill. But when the discussion of the Bill was in progress the Law Member on behalf of Government assured me that the principle contained in my Bill would be considered when the Bar Council Bill is introduced. As a result of this assurance, the honourable member Mr. S. J. Nair did not press for the further consideration of the Bill. (*Laughter*).

MR. P. C. KURIYAN (*Kottayam I*): May I know whether there was this provision in the original Bill as introduced by the Law Member?

MR. S. J. NAIR (*Nedumangad*): If there was such a provision in the draft Bill, there would not have been any necessity for the honourable members of the Select Committee to make this amendment. It was as a result of the majority opinion of the honourable members of the Select Committee that the amendment to Clause 9, as sub clause (3) has been introduced.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Did the Law Member, on that occasion, give the assurance that the question of admitting the pleaders as advocates would be considered?

MR. S. J. NAIR (*Nedumangad*): The Law Member assured me that the principle involved in my Bill would be reasonably considered, when the Bar Council Bill is introduced.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Will the honourable member kindly read that portion of the proceedings?

MR. S. J. NAIR (*Nedumangad*): I am sure the Law Member has got a copy of the proceedings with him and he can refresh his memory and enlighten himself on the point.

MR. P. C. KURIYAN (*Kottayam I*): May I know whether the omission of the provision in the draft Bill of the Law Member, was reasonable on his part?

MR. S. J. NAIR (*Nedumangad*): It was perhaps an omission; he wanted to correct that omission by the addition of sub clause (3), (*Laughter*).

PRESIDENT: The honourable member will realise that he is getting into very deep waters on the psychology of the Law Member.

MR. S. J. NAIR (*Nedumangad*): The question is whether sub-clause (3) of Clause 9 is justifiable under the circumstances. As already pointed out by me, in the light of the Statement of Objects and Reasons of the Bar Council Bill this provision is justifiable. Now, let us see whether there has been any move on the part of the public and the pleaders on this matter. In the 28th Session of the Sri Mulam Popular Assembly, 59 members joined together and submitted a memorial to the Dewan of Travancore, on 2-8-1107. In that memorial the prayer was "that the Government be pleased to sanction the universal demand of the pleaders in the State that the first and second grade pleaders of a fixed period of standing and practice in the Bar be permitted to appear and practise before the High Court and the District Courts." That was the principle involved in the Bill introduced by the honourable member Mr. S. J. Nair. It was that principle that was admitted as reasonable by the Law Member on behalf of Government. The principle has been considered by the Select Committee on the Bar Council Bill and sub-clause (3) has been introduced by them.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know what became of the memorial to the Dewan, and what decision Government arrived at on the matter?

MR. S. J. NAIR (*Nedumangad*): I am sorry I have no information about the action taken by Government.

Sir, when the pleaders of Travancore, practising in the mofussil courts as well as in the subordinate courts in Trivandrum, saw the dissenting minute by the honourable member Mr. K. C Abraham, and the resolution passed by the High Court Bar Association and communicated to Government, they held meetings in various places. The first and second grade pleaders of Trivandrum held a meeting on 9-7-1112 and passed the following resolutions;

1. "This meeting of the First and Second Grade Pleaders of Trivandrum support the spirit of the amendment contained in Clause (3), Section 9 of the Bar Council Bill, as revised by the Select Committee, permitting the enrolment of the First and Second Grade Pleaders as advocates of the High Court."
2. "This meeting strongly condemns the resolutions of the High Court Vakils Bar Association protesting against the proposed amendment and holds that the apprehensions contained therein are groundless and unwarranted."
3. "This meeting views with grave concern the agitation set up by some persons actuated by selfish motives and narrow mindedness, through some of the news papers, and resolves that steps should be taken to counteract the effect of such malignant agitation."
4. "This meeting records its emphatic protest against the tone and language used by Mr. K. C. Abraham with reference to the pleaders of Travancore, in his dissenting note to the Select Committee."

Sir, there is a powerful Bar Association at Quilon. Even the High Court Bar Association cannot compare with it. I had the honour of being a member of that Association. (*Laughter*). The Members of the Quilon Bar held a meeting on 7-7-1112 and passed the following resolutions.

1. "That this meeting lends its complete support to the Bar Council Bill as revised by the Select Committee with particular reference to part (3) of Section 9 of the Bill enabling the pleaders to apply for admission as advocates as the result of an examination by or under the supervision of the Council."
2. "That this meeting expresses its regret and condemnation at the malignant tone and vilifying spirit in which Mr. K. C. Abraham, member of the Select Committee, has made reference to the pleaders of Travancore in his dissenting minute."

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Were these resolutions passed by the Bar Association at Quilon, or by the first and second grade pleaders there?

MR. S. J. NAIR (*Nedumangad*): They were passed by the first and second grade pleaders there?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the member is aware that the Quilon Bar Association has issued a notice protesting against the holding of this meeting?

MR. S. J. NAIR (*Nedumangad*): I have not seen any such notice?

In Perumbavoor, the Bar Association held a meeting under the presidency of Mr. N. Ganapathy Aiyar, B. A., B. L., and passed the following resolutions. –

PRESIDENT: The honourable member need not read all the resolutions.

MR. S. J. NAIR (*Nedumangad*): Pleaders of various other Bar Associations assembled and passed resolutions, congratulating the members of the Select Committee in having made this amendment to Clause 9 of the Bar Council Bill and requesting Government to oppose the proposed amendment of Mr. K. C. Abraham and protesting against the tone and spirit of his dissenting minute.

The All-Travancore Pleaders' Association met in their annual gatherings and passed resolutions requesting the authorities concerned to raise the status of the pleaders in the State. They have requested that the second grade pleaders of certain years' standing should be allowed to practise in the District Courts and District Court pleaders of certain years' standing should be allowed to practise before the High Court. The present amendment is therefore only the result of the continuous agitation of the pleaders for the last several years and the provision made by the Select Committee is only in consonance with the Bar Councils Act elsewhere.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): If the pleaders had so much feeling on the matter, why did they not take advantage of Section 411 of the Civil Courts' Guide?

MR. S. J. NAIR (*Nedumangad*): The difficulty was that the Advocates' examination of the Bombay Bar Council was instituted only recently on the 3rd May 1935. The pleaders in the State had, till then, no other course except to pass the Barrister's examination in England or in Ireland.

MR. KAYALAM PARAMESVARANPILLAI (*Additional Head Sirkar Vakil*): May I ask whether Rule 411 of the Civil Courts' Guide which was passed before 1935 has no reference to the non graduate Advocates of the Bombay High Court?

MR. S. J. NAIR (*Nedumangad*): I think the honourable Law Member is not quite correct. All the High Courts in the Indian Empire are established under a Charter. Under the conditions of that Charter, any lawyer practising before any High Court can get *sanad* to practise before any other High Court in the Indian Empire. A vakil of the Calcutta High Court can as a matter of right obtain a *sanad* of the Travancore High Court on payment of the prescribed fees. It is a question of right, no grace or concession, Sir.

MR. K. C. ABRAHAM (*Kottayam II*): Is the member aware that, in certain High Courts members of the Bar practising in other High Courts are not allowed as a matter of right to practise in their High Courts, for instance, in the Allahabad High Court?

MR. S. J. NAIR (*Nedumangad*): I think the honourable member is also not correct.

PRESIDENT: He happens to be correct; but that does not affect the honourable member's argument (*Laughter*).

MR. S. J. NAIR (*Nedumangad*): Under the Charter for the establishment of the High Courts no High Court has the right or power to interfere with the rights of High Court Vakils. Certain rights and privileges have been conferred upon the lawyers of High Courts, and those rights and privileges cannot be denied according to the whims and caprices of the Judges of any High Court. As stated by the President, advocates are not allowed to practise before the original side of the Bombay High Court. But, in the Travancore High Court there is no original side. The conditions prevailing here are a little different from the conditions in Bombay.

PRESIDENT: The only reason why the Chair made the reference to Bombay was that there is differentiation in the dignity and prestige of the two grades of practitioners. That was all that the Chair was anxious to point out.

MR. S. J. NAIR (*Nedumangad*): Sir, consider for a moment the system that was obtaining in Travancore before the B. Ls alone were allowed to practise before the District Courts and the High Court. Before that time, pleaders were permitted to practise even in the High Court. Subsequently that system was changed and only those pleaders who could obtain a certain minimum of marks were allowed to practise before the District Courts. That too was since changed and there was only one grade of examination known as the Second Grade Pleaders,

examination. Recently, even the Pleadership Class has been abolished. There is therefore no need to fear that the number of pleaders will be increasing year after year so that as a result of their innundation, the B. Ls would get drowned as it were in the sea of pleaders.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : May I know the reason why that class was abolished while the B. L. examination was allowed to continue ?

MR. S. J. NAIR (*Nedumangad*) : I should say that it was due to the shortsighted policy of the authorities concerned Those who want to take a degree in engineering or in medicine or in other sciences, can do so even now by passing the Intermediate Examination and sometimes even the School Final. I ask, why should the profession of law alone require that only graduates can appear for the law examination.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*) : Will the pleaders be allowed to wear gowns if they become advocates ?

MR. S. J. NAIR (*Nedumangad*) : Without the gowns the pleaders will be much happier. Our hot climate does not justify the wearing of gowns, that are black-stuffs. The pleader will be happy if he is denied the gown. But if a gown is given to the pleader he would not object to it.

PRESIDENT : What about hot weather, in that case ?

MR. S. J. NAIR (*Nedumangad*) : Sir, advocates' gowns that are black are unsuited to be worn in hot countries like India. Again, Sir, the pleaders have got a special advantage over the B. Ls. The Travancore courts deal with Travancore laws passed by His Highness the Maharaja of Travancore. The B. Ls. are compelled to undergo a training in British Indian laws. That is why they are asked to pass the High Court Test examination on Travancore laws, or to practise for five years in a subordinate court, before becoming High Court Vakils. That shows that B. L. examination by itself is of no value for practice before the High Court. Not so the Pleadership examination.

MR. P. C. KURIYAN (*Kottayam I*) : May I know whether it is not on account of his B. L. degree that a graduate is allowed to practise before the District Courts even to begin with ?

MR. S. J. NAIR (*Nedumangad*) : Generally graduates-in-law undergo training under pleaders. Graduates-in-law by themselves with their gown and degree, cannot go and conduct any case. I am sure of that. As a pleader myself, I have got knowledge about the ability of the B. Ls to practise before the Munsiffs' Courts and District Courts immediately after they take their degree. The difficulty is that they are not taught Travancore laws for the B. L. examination.

In England, those who pass the Matriculation examination are permitted to appear for the Barrister's examination. Cambridge Local or the London Marticulation is the minimum qualification for admission to the Barrister's course. The London Matriculation corresponds to our School Final. And the Barristers who come out to India can, as a matter of right, practise before any High Court in the British Empire. Then what objection is there to allow persons who have undergone two years course in the local Law College who know Travancore laws and

[Mr. S J. Nair.]

have practised for the last several years in Travancore to practise before the High Court as advocates after having passed an examination to be held under the supervision of the Bar Council. I am sure honourable members will not deny that just and reasonable right to the pleaders.

MR. P. C. KURIYAN (*Kottayam I*): What is the opinion of the present High Court Bar Council on the matter?

MR. S. J. NAIR (*Nedumangad*): At present there is no Bar Council here, Sir. (*Laughter.*)

MR. P. C. KURIYAN (*Kottayam I*): I mean, the Bar Association.

MR. S. J. NAIR (*Nedumangad*): Everybody knows that. I have already explained that the High Court Bar Association, due to their innate selfishness, want to exclude the pleaders in the State who they know are far superior to them. When pleaders of merit, ability and experience are permitted to practise in the High Court these High Court Vakils will dwindle into nothing. (*Laughter.*) The High Court Vakils in the conduct of their cases before the High Court base all their argument on materials furnished by pleaders in the efficient conduct of the case in lower courts. Therefore, if the pleaders are allowed to appear before the High Court and argue for their clients, the judges will be able to understand the cases better and administer justice better than at present. Sir, the presence of a vakil in a court is to help the judges to administer justice. For that purpose, the vakils should be qualified in the local laws. The pleaders in the State are quite fitted for the purpose. In conclusion, I beg to submit for the consideration of the honourable members of this House that if this House is going to accept the Bar Council Bill, then necessarily they must accept the principle involved in the Bill, namely, the unification of the members of the Bar in Travancore. If that principle is not accepted then there is no necessity to pass this Bill. Let it be dropped. If we want to have the unification of the members of the Bar in Travancore, I am sure Clause 9, sub-clause (3) should be retained, and the amendment moved by Mr. Abraham must be rejected. The Select Committee has wisely, justly and rightly inserted sub-clause (3) as a result of the incessant and time-laboured demand made by the pleaders in the State. Their demand is modest; it is just · it is right; it is in consonance with the times; and it must and should be respected. I appeal to the House, in all earnestness and enthusiasm to accept the demand of the pleaders in the State; and in doing so to reject the amendment moved by the honourable member Mr. K. C. Abraham to delete sub-clause (3) of Clause 9. With these few remarks, I oppose the amendment moved by Mr. Abraham.

The Assembly adjourned for lunch at 1·5 P. M. and reassembled at 1-58 P. M.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I support Mr. Abraham's amendment. The principle involved in this question is whether the non-graduate pleaders may be allowed to become practitioners in the High Court of this State. That is the precise point for consideration in whatever way we may look at the amendment.

This very principle was raised on a previous occasion in 1935, when the Vakils' Regulation Amendment Bill was introduced by Mr. S.J. Nair. As it has been referred to today by more than one honourable member, I shall begin by a reference to that Bill. One of the principles in that Bill was whether the first and second grade pleaders may be allowed to be enrolled as Vakils of the High Court. That principle I opposed very strongly, and I was accused of having been even too severe on the second grade pleaders, on that occasion. I still hold the views expressed by me at that time in regard to the First and Second grade pleaders becoming High Court Vakils. Mr. S. J. Nair stated that the Bill was withdrawn, on the assurance made on behalf of Government that this aspect of the matter will be sympathetically considered. Sir, a reference to the debates of that day will show conclusively that there was nothing said then in support of the position now taken by Mr. S. J. Nair. Nay, on that occasion Mr. S. J. Nair, himself expressly conceded that he did not want any right to be conferred on the first grade pleaders to be enrolled as Vakils of the High Court. All that he then wanted was that the second grade pleaders should be allowed to be enrolled as Vakils of the District Court. The claim for enrolment as High Court Vakils was unconditionally withdrawn by him. On that, he withdrew the Bill, and the withdrawal was accepted by this House. Such being the real fact it is quite inappropriate for Mr. Nair to raise the same point again today.

Sir, I may perhaps refer in detail to the relevant portions of the debates on that occasion.

The Bill was introduced at first in 1934. I opposed it then very strongly; the debate was not however concluded. It was resumed in May 1935. On that resumed debate, Mr. S. J. Nair said :—

> "While the Bill was under discussion in the last session of the Assembly, the Deputy Leader of the Liberal Party made the suggestion that, if I would permit to amend the Bill as to enable Second Grade Pleaders of ten years' standing and more to practise in the District Court, and if I would not press the grant of High Court *sanad* to First Grade Pleaders of some years standing in the Select Committee stage, the Bill would be acceptable to all, at least to many. I may say, Sir, that I am prepared to accept that suggestion"

So that then, he practically withdrew the claim that first and second grade pleaders should be enrolled as advocates of the High Court. What took place next was a question by me :

> "MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*), May I ask whether the member accepts the position that first grade pleaders need not be admitted as High Court Vakils ?
>
> MR. S. J NAIR (*Nedumangad*): I do accept that position at present, Sir, as a sort of compromise."

Thus there was no mistaking about it. On a specific question raised, he accepted the position that first and second grade pleaders need not be enrolled as Vakils of the High Court.

When I formally rose to oppose the Bill this was what happened ;

"Mr KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose this Bill. I have not forgotten the suggestion made a few minutes ago by Mr. E V. Krishna Pillai, namely, that Mr. Nair may withdraw his Bill if the Government would undertake to consider the question of allowing the second grade pleaders to be enrolled in the District Court when the Bar Council Bill is taken up for consideration. I can assure the House, Sir, that I am quite prepared to have the matter considered. I cannot offer more than that. I am not the entire master of the situation. The matter has to be considered in the Committee, and perhaps, by this House also afterwards. Therefore, so far as I am concerned all that I can say is that I am prepared to have this matter considered by the appropriate body when the Bar Council Bill is taken up.

Mr S. J. NAIR (*Nedumangad*): Is he prepared to consider it sympathetically? (*Laughter*)?

Mr. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, that word is rather embarrasing. I am prepared to consider it reasonably."

The point thus narrowed down to the Second Grade pleaders being enrolled as Vakils of the District Court. The question of First grade pleaders being enrolled as Vakils of the High Court was unconditionally withdrawn that is clear from the debate that has been read out. At that time, the assurance given by the Government was that the question of the Second grade pleaders being enrolled as Vakils of the District Court, might be reasonably considered when the Bar Council Bill s taken up.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Was it in this Bill?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. Even now I am of the same view and I may support any motion made for enabling Second grade pleaders to be enrolled as District Court Vakils. On the previous occasion, I elaborately dealt with all aspects of this controversy and I shall not repeat all that I said then. Let me however refer to recent events. Immediately after the Select Committee introduced the provision that now finds a place in the Bill protests were heard against it. The Travancore High Court Vakils' Association protested against it unanimously. I do not overlook the fact that there was counter protest from the pleaders in support of the provision. We are not concerned quite with the protests. This House is concerned mainly with the merits of the question apart from the protests. As regards the protests, perhaps the view may be taken that the High Court Vakils want to exclude a class of men who want to enter the portals of higher fields of employment. The second grade pleaders may reasonably complain against such an attitude. The High Court Bar Association may reply that they only want to exclude *second class* materials—that was the expression used by me in the previous debate and I may be excused for using it again. So far as this House is concerned, it is not a question of giving a field of higher employment to the pleaders or giving an exclusive monopoly to the Law Graduates, to practise in the High Court. No question of restricting or enlarging the field of employment arises as such. We have to look at the question from a higher standpoint, namely, from that of public interests,

Looked at in that manner, the first question would be, for what purpose does the establishment of the legal profession exist? It exists for assisting the judiciary of the land. The judiciary is there to do King's justice, because it is the primary duty of the Sovereign to administer justice. The cases for decision are many. The judges may not have the time to study all the cases themselves from start to finish. They have therefore to be served or assisted in their work, by a class of men, who are lawyers, who are trained men and who are men of character and capacity. On this depends what the public interest is that is involved in the question at issue. Sir, the lawyer's profession is not like that of a man going to the market and establishing a trade or business. There, it is a question of individual interest; it is purely a question of competition. Here, the function is of a higher order, namely that of assisting the judiciary created for the administration of King's justice. For that, men of character and qualification are essential. Therefore, it is in the interest of the paramount duty of the State that qualifications should be prescribed. It should not be open to any and every individual to say "I shall be the lawyer and serve whomsoever has confidence in me. Dont look at my degree or other qualifications".

MR. S. J. NAIR (*Nedumangad*): May I ask whether Sir, S. Subramonia Iyer, Pandit Motilal Nehru and others of that order, were helping the administration of King's justice.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Just now I am merely enunciating the general principle that the body of lawyers exists not exactly like the traders in the field of commerce and industries, merely to make money. The lawyers form an integral part of the administration of justice, so that justice may be done properly and speedily. Therefore, the question of qualification is an important factor. Although there may be difference of opinion between myself and Mr. S. J. Nair in regard to the question as to what the qualification must be, that lawyers do require some qualification will be agreed to even by him. That is implied in the present provision itself; because even Mr. S. J. Nair does not say that everybody should be allowed to practise before the High Court. Now then the question is what should be the qualification for being allowed to act as lawyer in the High Court. Can we allow second class material to be mixed up with first class material which alone is now allowed to function in the High Court.

MR. S. J. NAIR (*Nedumangad*): As a result of filtration in the examination, is it not possible to select first class material from among the pleaders?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is not quite possible.

I have already stated in the previous debate, that as there is ample first class material available, there is no necessity to go in for a filtration process to be applied to the second class material.

[Mr. Kayalam Paramesvaran Pillai.)

Till 1070, *i. e.*, till about 40 years ago, the first grade pleaders were allowed to practise in the High Court. That was a time when there were not enough law graduates *i. e.*, enough first class material available to meet the demand. Because, the number of first class material was small, second class material was also allowed. But from about 1070, ample first class material was found to be forthcoming. So it was ruled that first grade pleaders should stop with the District Court. Now we are asked to go back 40 years; that is literally a retrograde step. Why should we go back? What is the public interest served by doing so? Is there paucity of first class material? Now there are about 1200 law graduates practising in the Courts in Travancore. The bar is overcrowded with first class material. Remember that it is not a question of affording more scope for employment for the pleaders. It may be that even now there are eminent men in the ranks of the pleaders. But we cannot make a provision for exceptions. It is not a question of doing individual justice: we have to lay down a general rule and that in the public interests and therefore the exceptions will have to suffer, even if there be exceptions.

MR. S. J. NAIR (*Nedunangad*): I wish to know whether this Bill has been introduced on grounds of public interests?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*); Yes.

MR. S. J. NAIR (*Nedumangad*): Is it not stated in the Statement of Objects and Reasons that people following the legal profession should be formed into one autonomous body?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Strictly speaking, the Bill should have entirely excluded from the legal profession these class of first and second grade pleaders; but I did not want to take away vested rights. Hence, a proviso was put in to enable pleaders to continue their present practice. That does not mean that we should cause a further damage by admitting these to a field where first class material alone is now admitted and where such material is available in plenty. So then, on the ground of public interests, there is no justification whatever to introduce second class material into the first class field.

There is another aspect of the matter which was not touched by me on the previous occasion.

With the coming of the Federation (whether we join it or not) and the institution of the Federal Court in October, this question assumes a special importance. The Chief Justice of the Federal Court has already been appointed and is already looking about for the necessary preliminaries. When that Court comes into being the Bars of the High Courts will have a definite place. We must see that the efficiency of the Bar, and its prestige are kept up in the eyes of the Federal Court. Our Bar should not be thought of as inferior to those in other places. Now, early in 1937, we are asked to go back 40 years. That will

necessarily belittle the position of our Bar. Should we take a retrograde step and go back 40 years just at this critical juncture when Federation is in sight? Mr. S. J. Nair referred to the rule in Bombay. It has been pointed out that those advocates cannot practise on the original side of the Bomby High Court.

MR. S. J. NAIR (*Nedumangad*): Does the member know that, in Madras, District Court Vakils of 10 years' standing can be enrolled as advocates?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Only graduates; that rule does not apply to non-graduates.

Thus then, looked at from the point of view of public interests, we will look small in the eyes of the larger world, if the pleaders are allowed to come into the fold of advocates and allowed to practise before the High Court. The Travancore Legislature will surely be looked down upon if we go back to the practice which was obtaining 40 years back.

That apart, what is the justification for going back forty years? Everybody outside will ask "What is there wrong with Travancore? Do they not have enough of B. Ls. there? Is it because the Travancore Government and the Travancore Legislature do not care for the prestige and status of High Court and the High Court Bar?" They will be inclined to take a low opinion of Travancore and of the Travancore High Court. And after all, what is the necessity for doing it? Is there any necessity, I ask. Look at the question from the point of view of public interests. There is no necessity to introduce second class material. If we do it we will suffer. We will look low in the eyes of out-siders in whose eyes we have to count for something, especially now. Therefore I am sure the House will agree that Mr. Abraham's amendment is quite proper and that we should not admit second class material into the first class.

Mr. S. J. Nair has been saying that there has been an agitation going on in the country for second and first grade pleaders being admitted to the District Courts and to the High Court. It is true. But that agitation was first heard of only when Mr. S. J. Nair became a member of the Sri Mulam Popular Assembly. (*Laughter.*) I am not blaming him. But still the fact remains that it began only after Mr. S. J. Nair became a member of the Popular Assembly. When I looked into my file I found that when Mr. S. J. Nair first made a representation on this matter, in 1106, the then Dewan retorted, in his characteristic way, as follows:—

> "The last point that you have raised about second and first grade pleaders is very fantastic as you yourself will admit".

This is the reply that he got from the Dewan. Of course, Mr. S. J. Nair is not the gentleman to be put down by such remarks. (*Laughter.*) The matter was subsequently referred to the High Court. Whenever it was brought to the notice of Government by means of a resolution or motion it was referred to the High Court. On all those occasions, the High Court has said that they were not agreeable to the proposal. Even now when the Select Committee submitted its report,

[Mr. Kayalam Paramesvaran Pillai,]

the High Court was again addressed ; and they said that they were not prepared to relax the rule and admit first and second grade pleaders as advocates. Therefore, Government are emphatically of the opinion that first and second grade pleaders cannot be admitted as advocates entitled to practise in the High Court.

MR. S. J. NAIR (*Nedumangad*) : May I know whether the member is aware that there are Judges in the High Court who are not graduates of any University?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, there is one who is not a graduate, but he is a Barrister. That does not affect the question at all. I am emphatically of the opinion that first and second grade pleaders should not be allowed to practise in the High Court. But let me say that Government are prepared to consider any proposition to allow first and second grade pleaders to practise in the District Courts. Perhaps, if a suitable amendment is proposed Government may support it.

SADASYA TILAKAN T. K. VELU PILLAI (*Trivandrum—Urban*). I wish to say a few words on the motion before the House. My friend Mr. Kayalam Paramesvaran Pillai, in the course of his speech observed that the agitation on this question was comparatively recent and that it became prominent in the public eye only when Mr. S. J. Nair became a member of the Sri Mulam Popular Assembly. Mr. Paramesvaran Pillai is partly right. But I can testify to the fact that about thirteen years ago there was a conference of second grade pleaders in Trivandrum over which I presided; I cannot make any mistakes as to that. But as Mr. Paramesvaran Pillai pointed out the agitation assumed proportions only recently. There is considerable feeling among the second grade pleaders that they must have opportunities of doing work in the High Court. The ambition, Sir, is legitimate. But at the same time there is very considerable feeling in the country, not only among graduates-in-law but among public men and among the litigant public that the High Court Vakils should necessarily be graduates. There is some thing attaching to a University degree which is really fascinating and encouraging. Only those men who are graduates can appreciate that to the full measure. Those who are not graduates are generous enough to recognise that a University Degree confers some easy superiority over others. I do not want to develop a long story. But this I may say that 25 years ago when I was an officer in the Travancore Government service drawing Rs. 40 per mensem, I chanced to visit the Vaikom temple. There I found a very big officer of the State, comparatively high, a Divisional Forest officer, was presiding over an assembly of persons. As soon as he saw me, there was some consideration. He felt that although I was a lowpaid man, I was a graduate; and I know that he did not say one word as long as I was there. I am saying this, Sir, merely to show that, rightly or wrongly there is a kind of inferiority complex on the part of some of the non-graduates though I am glad to

testify in this House there are non-graduate members quite as independent and as enlightened as other persons. The psychological value is important, for if a graduate feels that he has a training under distinguished professors, that he has experience of the ennobling atmosphere of colleges, he naturally feels that he will be up to any task whereas, a person who is not a graduate though in exceptional circumstances there may be men of extraordinary talent, ordinarily feels that a graduate is superior to a non-graduate. That is the reason why there is so much of difference of opinion on this point.

Mr. Kayalam Paramesvaran Pillai referred to a very important circumstance when he said that we are within easy sight of Federated India. Rightly or wrongly, in all Provinces and States of India, University degree is valued; and even though intrinsically our opinions in favour of making second grade pleaders High Court Vakils may be right when we are alone, people outside will take a view that there is something wrong in the State of Travancore which has been long regarded as a model State, a State where education and enlightenment is in advance of every other State. We must not allow ourselves to be considered less important and less educated than we are. In this connection I want to read out a portion from the report of the proceedings of this House to disprove opposition. When I developed this point on a former occasion my friend, Mr. K. C. Abraham, asked me "Is it the member's view that public interests will be advanced by allowing the second grade pleaders to practise in District Courts?" Then, I answered "These people also may be allowed under certain conditions." I have been asked whether I have not been in absolute favour of getting second grade pleaders transferred as High Court Vakils. I have never said that. On the other hand, I have said that they ought to be encouraged; for, unless there is hope in their bosom they will not give their service to the litigant public in the right fashion. Therefore, Sir, I maintain that, when the Government and this Assembly are satisfied that there are large numbers of competent vakils who handled a very large number of cases and who can understand laws, if they are made District Court Vakils it will be to the advantage of all parties concerned. The difficulty has been brought to the present position by the action of the Government themselves in past years. The tuition given in the Law College was the same to the B. L. students and to the pleadership students they sat in the same class room and the same Professor lectured to them on the same subjects, and at the same time. More than that, if persons obtained more than a certain percentage of marks—I believe it was sixty per cent—they were automatically declared to be competent to practise in the District Courts while those who got lesser marks were allowed to practise in the Munsiff's Courts. There are even instances in which persons who had no University degree were appointed as judicial officers. But that state of affairs has gone. Even in public life, as distinguished from life in courts of law, we find that the University man has got a greater chance of doing work, getting recognition, and winning laurels than a non-University man, generally so that, in this country, when there is such a large number of graduates

[Mr. T. K. Velu Pillai.]

and when in every Indian State and Province, University distinctions are valued, when the people who ask for this privilege themselves recognise the importance of academic distinction and I think, considering the aspect of the case developed by Mr. Kayalam Paramesvaran Pillai that we are within sight of Federation, my friend Mr. S. J. Nair will not insist that second grade pleaders should even with some qualification be all declared advocates.

But, I appeal to the House to consider with sympathy the case of those persons who have been occupying important positions in the legal world giving sound legal advice, conducting cases efficiently and figuring prominently in public life, persons respected by the whole country and give them the chance and opportunity to practise in the District Courts. That is the position that I want to develop. I shall not be in order in referring to any detail as, I find, Mr. T P. Velayudhan Pillai has tabled an amendment to that effect and whether it will be allowed or not——

PRESIDENT : I may mention that I have allowed that amendment to be moved.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): The principle contained in the amendment is very important, and I hope, when the time comes it will be met with the approval of the House.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*) : Sir, I support the amendment. I have met with certain difficulties in the matter of the language of my speech here. I am not an English scholar. Somehow or other I was forced to speak in English. I find it very difficult to express my ideas in English. If the Chair will allow me to speak in Malayalam——

PRESIDENT : Certainly, you can do so.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*) : സർ, ഞാൻ ഈ ഭേദഗതിയെ അനുകൂലിക്കുന്നു. തിരുവിതാംകൂറിൽ നിയമജ്ഞന്മാർ ധാരാളമുണ്ടായിരിക്കുന്നതു തെററാണെന്നു് ആരും പറയുകയില്ല. ഒരു കാലത്തു് ഏതെങ്കിലും ഒരു പരീക്ഷയിൽ ജയിച്ച ആളുകളെ വക്കീലന്മാരായി വ്യവഹരിക്കാൻ അനുവദിക്കയും അവർ ഓരോ കോടതികളിലും വ്യവഹരിച്ചു വരികയും ചെയ്തിരുന്നു. ഇങ്ങനെ നടന്നുവന്നകാലത്തു് നിയമപരീക്ഷകളോ ബി എൽകാരോ ഉണ്ടായിരുന്നില്ല. അക്കാലത്തു നമ്മുടെ ഹൈക്കോടതികളിൽ ഒന്നാംതരം ജഡ്ജിമാർ തന്നെ ഉണ്ടായിരുന്നു. അവരാരും ബി. എൽകാർ ആയിരുന്നില്ല. കുഞ്ഞുരാമൻനായരെപ്പോലെയുള്ള ജഡ്ജിമാർ ഇപ്പോൾ ഹൈക്കോടതിയിലില്ലെന്നു ഞാൻ പറയുന്നില്ല. നല്ല ഉത്സാഹശീലരായും കക്ഷികളുടെ കേസ്സുകൾ നല്ലപോലെ നടത്തണമെന്നു വിചാരമുള്ളവരായും ഉള്ള ആളുകളെ തിരഞ്ഞെടുത്തു് ഹൈക്കോടതി വക്കീലന്മാരാക്കിയിരുന്നെങ്കിൽ

നന്നായിരുന്നേനേ. അങ്ങിനെയുള്ള ആളുകൾ മുൻസിപ്പുകോടതി വക്കീലന്മാരോ ഡിസ്ട്രിക്ടുകോടതി വക്കീലന്മാരോ ആയിരുന്നാലും അവരെ തിരഞ്ഞെടുത്ത് ഹൈക്കോടതി വക്കീലന്മാരാക്കുന്നതിനോട് എനിക്കു വളരെ സന്തോഷമാണുള്ളത്. രണ്ടാംഗ്രേഡ പ്ലീഡറന്മാരേയും ഒന്നാംഗ്രേഡ് പ്ലീഡറന്മാരേയും ഹൈക്കോടതി വക്കീലന്മാരാക്കുന്നതിന് അസംബ്ളിയിൽ കൊണ്ടുവന്ന ബില്ലിനെ ഞാൻ എതിർത്തുകൊണ്ടാണിരുന്നത്. മററു യോഗ്യതകളൊന്നും തിരിച്ചറിയാൻ പാടില്ലാത്തവരെ അവരുടെ യോഗ്യതകൾ തിരിച്ചറിയുന്നതിന് പരീക്ഷാ യോഗ്യതയെയാണു കണക്കാക്കേണ്ടത്. വക്കീലന്മാരുടെ എണ്ണം ഹൈക്കോടതിയിൽ കൂടിപ്പോയതിനാൽ മുൻസിഫ കോടതികളിൽ കേസുകൾ ശരിയായി നടത്താതെ വളരെ കേസുകൾ കിടക്കുന്നു. വക്കീലന്മാരുടെ ചുമതലാബോധമില്ലായ്മയെപ്പററി ന്യായമായി നടപടി നടത്തണമെന്നു പറഞ്ഞതിനു വക്കീലന്മാർക്കും വയറുപിഴക്കണമെന്ന് ഒരു അധികാരസ്ഥാനത്തുനിന്നും മറുപടി പറഞ്ഞതായി ഞാൻ അറിയുകയുണ്ടായി. അതു വാസ്തവമോ അവാസ്തവമോ എന്നറിയാൻ പാടില്ല.

ബിഎൽകാർ ധാരാളമുള്ളപ്പോൾ മററുതരത്തിൽ ഒരു പരീക്ഷ ഏർപ്പെടുത്തി ചിലരെ ഹൈക്കോടതിയിൽ വ്യവഹരിക്കുന്നതിനുള്ള യോഗ്യതയുണ്ടാക്കികൊടുക്കുന്ന നയം ഒരിക്കലും ശരിയല്ല.

നിർഭാഗ്യവശാൽ ഈ ബില്ലിന്റെ സിലക്ററുകമ്മിററി കൂടിയ അവസരത്തിൽ ഞാൻ സുഖക്കേടായി കിടപ്പായിരുന്നില്ലെങ്കിൽ ഈ ഭേദഗതി ബില്ലിൽ ചേർക്കാതിരിക്കുന്നതിനു ഞാൻ ശ്രമിക്കുമായിരുന്നു. എന്റെ ശല്യം പ്രയോജനപ്പെടുന്നതാണോ അല്ലയോ എന്നുള്ളത് ഞാൻ ചിന്തിക്കേണ്ട ആവശ്യമില്ല. ഏതായാലും മുൻസിഫ കോടതി വക്കീലന്മാരെ ഹൈക്കോടതിവക്കീലന്മാരെപ്പോലെ ഹൈക്കോടതിയിൽ വ്യവഹരിക്കാൻ ഒരിക്കലും അനുവദിക്കരുതെന്നാണു എന്റെ അഭിപ്രായം. എന്റെ മാന്യസ്നേഹിതന്മാരെല്ലാം സിലക് ററുകമ്മിററി വരുത്തിയ ഭേദഗതിയെ എതിർക്കണമെന്നുകൂടി എനിക്കഭിപ്രായമുണ്ട്. തൽക്കാലം ഇതിൽ കൂടുതൽ ഒന്നുംതന്നെ പറയണമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല.

MR. N. E. VARUGHESE (*Tiruvalla I*) : Sir, I also request your permission to speak in Malayalam,

PRESIDENT : I give you permission to speak in Malayalam.

MR. N. E. VARUGHESE (*Tiruvalla I*): സർ, ഒന്നാംഗ്രേഡ് പ്ലീഡേഴ്സിനെയും രണ്ടാംഗ്രേഡ് പ്ലീഡേഴ്സിനെയും ഹൈക്കോടതിയിൽ വ്യവഹരിക്കുന്നതിനു അനുവദിക്കണമെന്ന് ഒരു ബിൽ ഈ സഭയുടെ ആലോചനക്കു വിഷയമായിരുന്ന സമയത്ത് ഞാൻ അതിനെ അനുകൂലിച്ച്

[Mr. N. E. Varughese.]

സംസാരിക്കുകയുണ്ടായി. അന്നു ഇതിനെ അനുകൂലിച്ചു സംസാരിക്കുന്നതിന് എന്റെ മനസ്സിൽ തോന്നിയിരുന്ന ന്യായങ്ങൾ ഇന്നു കുറെക്കൂടി പ്രബലപ്പെട്ടതല്ലാതെ അതിൽ ലേശവും കുറവു വന്നില്ല. അതിനാൽ അന്നത്തെ എന്റെ നിലയിൽനിന്നും മാറുന്നതിനു ഞാൻ വിചാരിക്കുന്നില്ല.

സർ, നമ്മുടെ ആലോചനയിലിരിക്കുന്ന സംഗതികൾ നീതിബോധത്തോടുകൂടി നാം വിചിന്തനം ചെയ്യുമ്പോൾ ഈ ഭേദഗതിയെ അനുകൂലിക്കുകയാണോ വേണ്ടതു് പ്രതികൂലിക്കുകയാണോ വേണ്ടതു് എന്നു് നിശ്ചയിക്കാൻ യാതൊരു പ്രയാസവുമില്ല. നമ്മുടെ നീതിന്യായവകുപ്പിലെ മൂലവാക്യംതന്നെ,

"*Fiat Justitia Ruat Coelum*",

എന്നാണ്. അതായതു് ആകാശം വീണാലും നീതിന്യായം നടത്തണമെന്നുള്ളതാണ്. ഈ തത്വത്തെ മനസ്സിൽ വച്ചുകൊണ്ടാലോചിക്കുമ്പോൾ നമ്മുടെ ആലോചനയിലിരിക്കുന്നതായ ഒരു സംഗതിക്കു ഒരു വിധി കല്പിക്കുന്നതിനു എന്താണ് പ്രയാസം? എല്ലാതരത്തിലുമുള്ള ഒന്നും രണ്ടും ഗ്രേഡും പ്ളീഡേഴ്സിനെ ഹൈക്കോടതിയിൽ വ്യവഹരിക്കുന്നതിനു അനുവദിക്കണമെന്നു് ആവശ്യപ്പെടുന്നില്ല.

MR. K. C. ABRAHAM (*Kottayam II*): എല്ലാതരക്കാരേയും അഡ്വക്കേറ്റായി വ്യവഹരിക്കുന്നതിനു് അനുവദിക്കണമെന്നാവശ്യപ്പെടാതിരിക്കുന്നതിനുള്ള കാരണം എന്താണ്?

MR. N. E. VARUGHESE (*Tiruvalla I*): യാതൊരു സംഗതിക്കും എല്ലാവരും യോഗ്യന്മാരായിരിക്കുകയില്ല. യോഗ്യന്മാരായിട്ടുള്ള ആളുകൾ അവരുടെ യോഗ്യതാനുസരണം മുന്നോട്ടു പോകണമെന്നാഗ്രഹിക്കുമ്പോൾ അവരെ ഒരു പ്രകാരത്തിലും തടുത്തു നിറുത്തിക്കൂടാ എന്നുള്ളതാണ്. എനിക്ക് ഈ സഭയുടെ ദൃഷ്ടിയിൽ കൊണ്ടുവരാനുള്ളതു്. യോഗ്യനായ ഒരാളിന്റെ പുരോഗമനത്തിന് തടസ്ഥമുണ്ടാക്കുന്നതു നീതിവിരുദ്ധമാണു. പണത്തിന്റെ കുറവുകൊണ്ടും സമയക്കുറവുകൊണ്ടും മററു പരിതസ്ഥിതികൾ കൊണ്ടും എല്ലാവക്കും ബി, എ. യോ ബി, എല്ലോ പാസ്സാകാൻ കഴിഞ്ഞില്ലെന്നുവരാം.

MR. R. RAMAN PILLAI (*Chunganachery* cum *Peermade II*): ഒരാൾ പത്തുകൊല്ലം മുൻസിഫ്കോടതി വക്കീലായിരുന്നു് പ്രാക്ടീസ് ചെയ്തു, പണം സമ്പാദിച്ച് അതുകൊണ്ടു് ഉന്നതപരീക്ഷ പാസ്സായിവരാൻ

സാധിക്കുന്നില്ലെങ്കിൽ അയാളെക്കൊണ്ട് ഒന്നിനും കൊള്ളുകയില്ലെന്നു വേണ്ടേ വിചാരിക്കാൻ?

MR. N. E. VARUGHESE (*Tiruvalla I*): പ്രായംകൊണ്ടും മററു പരിതസ്ഥിതികൾ കൊണ്ടും എല്ലാ അവസരങ്ങളിലും എല്ലാവക്കും അതിന് സാധിച്ചില്ലെന്നു വന്നേക്കാം.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): അപ്പോൾ വിധിയെ നോക്കിയിരിക്കുകയാണെങ്കിൽ അതു വരുമ്പോൾ വന്നുകൊള്ളട്ടെ എന്ന് അടങ്ങിയിരിക്കുകയല്ലേ വേണ്ടതു്?

MR. N. E VARUGHESE (*Tiruvalla I*): അതിനു ഞാൻ മറുപടി പറയണമെന്നു വിചാരിക്കുന്നില്ല. നിയമജ്ഞന്മാരായവരുടെ ഒരു കൗൺസിൽകൂടി അവരുടെ നിയന്ത്രണത്തിൽ ഒരു പരീക്ഷാബോർഡ് ഏർപ്പെടുത്തി അവരാൽ നടത്തപ്പെടുന്നപരീക്ഷയിൽ പാസാകുന്നവരെ അഡ്വക്കേററായി നിയമിക്കണമെന്നാണ് ഇപ്പോഴത്തെ ഭേദഗതി.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): ഹൈക്കോടതി വക്കീലാകാൻ ഇപ്പോൾ വേറൊരു പരീക്ഷവേണമെന്നു പറയുന്നതെന്തിനാണ്?

MR. N. E. VARUGHESE (*Tiruvalla I*), നീതിവിരുദ്ധമായിട്ട് ഒന്നും പാടില്ലെന്നാണ് ഞാൻ പറയുന്നതു്.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): ഇതുവരെയുള്ള നിയമങ്ങൾ എല്ലാം നീതിവിരുദ്ധമാണെന്നാണോ മെമ്പർ പറയുന്നതു്?

MR. N. E. VARUGHESE (*Tiruvalla I*): ഇതുവരെയുള്ളതെന്നുമാത്രമല്ല സകലവും നീതിവിരുദ്ധമാണ്. എന്നാൽ അവയെപ്പററി പ്രതിഷേധങ്ങളുണ്ടാകുകയും അവ തെററാണെന്നു ബോധപ്പെടുകയും ചെയ്യുമ്പോൾ ഭേദഗതി വരുത്തേണ്ടതു് നിയമസഭയുടെ കർത്തവ്യം ആകുന്നു. അതിൽനിന്നും ഒരിക്കലും വ്യതിചലിച്ചുകൂടാത്തതാകുന്നു. നീതി നടത്തണം. അതിനപ്പുറമായി ഒരു തത്വവുമില്ല. ആ തത്വത്തെ യോഗ്യന്മാരായവർ ഒരിക്കലും നിഷേധിക്കരുതു. യോഗ്യന്മാരായ പ്ളീഡർമാക്ക് ഹൈക്കോടതിയിൽ വ്യവഹരിക്കാൻ അവകാശം കൊടുക്കണമെന്നാവശ്യപ്പെടുമ്പോൾ അതിനനുവദിക്കണം. ഒരു പരീക്ഷ നടത്തിയാൽ അതിൽ ജയിക്കുന്നവരെ മാത്രം ഹൈക്കോടതിയിൽ വ്യവഹരിക്കുന്നതിനു അഡ്വക്കേററാക്കിയാൽ മതിയെന്നാണ് കമ്മിററിയുടെ ശുപാർശ. എന്റെ മാന്യസ്നേഹിതൻ മി. കെ. സി എബ്രഹാം പരീക്ഷ നടത്തുന്നതു് ശരിയായിരിക്കയില്ലെന്നു പറയുന്നതിൽ ഞാൻ അത്ഭുതപ്പെടുന്നു.

MR. K. C. ABRAHAM (*Kottayam II*) : ഞാൻ അതിനെപ്പററി പറഞ്ഞിട്ടില്ല.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): യോഗ്യതയുള്ള എല്ലാ ആളുകളേയും ഹൈക്കോടതിയിൽ കടത്തിവിടണമെന്ന് സിലക്ട്കമ്മിററിയിൽ നിന്നും ആവശ്യപ്പെടുന്നുണ്ടോ?

MR. N. E. VARUGHESE (*Tiruvalla I*) : ഇല്ല. ഒരു പരീക്ഷ ഏർപ്പെടുത്തി അതിൽ പാസാകുന്ന ഒന്നും രണ്ടുംഗ്രേഡ് വക്കീലന്മാരെ ഹൈക്കോടതിയിൽ വ്യവഹരിക്കുന്നതിന് അനുവദിക്കണമെന്ന് മാത്രമേ പറയുന്നുള്ളു.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): ഇതുവരെ നടത്തിയിട്ടുള്ള ——

PRESIDENT : I think, that is degenerating into dialogue. The honourable member will proceed.

MR. N. E. VARUGHESE (*Tiruvalla I*) : സിലക്റ്റുകമ്മിററി ചെയ്യുന്ന തീരുമാനങ്ങളെ തക്കതായ കാരണങ്ങളാൽ മാത്രമേ ഭേദഗതി ചെയ്യാവൂ എന്നു ഈ സഭയിൽ പലപ്പോഴും അഭിപ്രായപ്പെട്ടിട്ടുള്ളതായി ഞാൻ കേട്ടിട്ടുണ്ട്. പണ്ഡിതനായ ലാമെമ്പർ തിരഞ്ഞെടുത്ത ഒരു കമ്മിററി ഗാഢമായി ആലോചിച്ചു ഭൂരിപക്ഷത്താൽ തീരുമാനപ്പെടുത്തിയ ഒരു ഭേദഗതിയാണ് ഇത്. അതിനെ നാം അവഗണിച്ചു തള്ളിക്കളയുന്നതിനു തക്കതായ ന്യായങ്ങൾ ഈ സഭയുടെ ദൃഷ്ടിയിൽ കൊണ്ടുവരേണ്ടതായിരുന്നു. ലാമെമ്പർ ഇതിനു എതിരായിരിക്കുന്നുവെങ്കിൽ നിശ്ചയമായും അദ്ദേഹം ഒരു ഡിസെൻറിങ്ങ് മിനിട്ട് ഇതിൽ ചേർക്കുമായിരുന്നു. അതിനാൽ സിലക്റ്റുകമ്മിററി ഗാഢമായി ആലോചിച്ചു ചേർത്തിട്ടുള്ള ഒരു ഭേദഗതിയെ അനുകൂലിക്കാതിരിക്കുവാൻ നമുക്കു നിവൃത്തിയില്ല.

ഒന്നാംതരത്തിലും രണ്ടാംതരത്തിലുമുള്ള രണ്ടു സാധനങ്ങളെപ്പററി ഇവിടെ പറഞ്ഞതായി കേട്ടു. ഒരു സാധനം ഒന്നാംതരമോ രണ്ടാംതരമോ എന്നു നിർണ്ണയിക്കുന്നതിനു ഒരു മാനദണ്ഡം ആവശ്യമാണ്. പ്രഥമദൃഷ്ടിയിൽതന്നെ ഏതു തരമാണെന്നു നിർണ്ണയിക്ക എന്നുള്ളതു അത്ര എളുപ്പമുള്ള ഒന്നല്ല. സിലക്ട് കമ്മററി പറയുന്നതു ഒരു പരീക്ഷ ഏർപ്പെടുത്തി ഒന്നാംതരമാണെന്നു കാണുന്നതിനെ ഒന്നാംതരത്തിൽ ചേർക്കുക എന്നാണ്. രണ്ടാംതരം സാധനങ്ങളെ ഒന്നാംതരമായി ഗണിക്കണമെന്ന് ആരും പറയുന്നില്ല. ഈ വക കാര്യങ്ങളെപ്പററിയെല്ലാം ആലോചിച്ചശേഷം നീതിബോധം എന്നെ പ്രേരിപ്പിക്കുന്നതുകൊണ്ടു മി. കെ. സി. ഏബ്രഹാം ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതിയെ

ഞാൻ എതിർക്കുകതന്നെ ചെയ്യുന്നു. ഈ സഭ സിലക്ററു കമ്മിററിയുടെ ഭേദഗതിയെ അനുകൂലിച്ചു വോട്ടുചെയ്യുമെന്നു വിശ്വസിച്ചുകൊണ്ട് വിരമിച്ചുകൊള്ളുന്നു.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, it was mentioned by some honourable members in this House that this clause, coming as it does with the approval of the Select Committee, has to be respected. Honourable members seem to think that there is sanctity attached to whatever is done by the Select Committee. Sir, throughout my career as a member of this House I have been advocating or trying to inculcate this idea into the minds of the honourable members that no undue sanctity should be permitted to be attached to anything and everything done by Select Committees. This, I thought, was due to a feeling peculiar to myself, a feeling engendered in my mind on account of the very rare opportunity I had of being a member of the various Select Committees. This opportunity given to me now tells me that there is soming inherently defective in the manner in which things are done in the Select Committees. As a member of the Select Committee on this Bill, I had the opportunity of expressing my dissent to the proposal that was made. I do not want to mention any secrets. All that I submit is, on the first day...............

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): On a point of order, Sir. It is not at all proper that what took place in the Select Committee should be mentioned on the floor of this House, except to the extent incorporated in the Report of the Select Committee.

PRESIDENT: Generally speaking, it is expedient to follow that rule.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I shall state only what is absolutely necessary.

PRESIDENT: However necessary, it is better you do not refer to what took place in the Select Committee; because once a prominent member like you does it, others will surely follow.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Anyway I may be permitted to submit that much importance should not be attached to the Reports of Select Committees. And, I may point out that, in the case of this Bill three of us have distinctly stated, in the Select Committee Report, that we accepted the Bill only subject to the amendments we might move in this House.

Upon the question of accepting or rejecting the present amendment, I have only a word to submit. In deciding the question we are not to be moved by any personal considerations. Sir, many of the second and first grade pleaders, who are entitled to practise only in the lower courts now, are my friends. We have got the greatest respect for several of them. But that consideration should not weigh with us now. Is it in the interests of justice? Is it in the interests of public good? Is it consistent with progressive ideas and ideals? These are the matters that ought to weigh with us and not that we have got many

[Mr. Puthupalli S. Krishna Pillai.]

friends among the pleaders and have great admiration for them. If these are the principles that are to guide us in this matter, I submit, Sir, that no member of this House will feel any hesitation in accepting the amendment now moved by Mr. Abraham.

MR. A. EASWARA PILLAI (*Kalkulam II*): Sir, I oppose the amendment moved by Mr. K. C. Abraham. We all know that he is a member of the High Court Bar and that the High Court Bar Association has passed a resolution against the amendment made by the Select Committee. It is as a result of that resolution that he has brought in the present amendment. For my part, I thought that Mr. Abraham was not serious when he moved his amendment. School Finals are allowed to sit for the advocates' examination held by the Bombay Bar Council and if they pass and become advocates of the Bombay High Court, they can immediately become advocates of the Travancore High Court also on payment of the prescribed fees. The present provision does not prohibit such members of the Bombay High Court from becoming members of the Travancore High Court Bar as advocates under this provision.

Sir, we the second grade and first grade pleaders of Travancore have studied more about Travancore Law, in our law course, than the B. L. students. Our Bar Council Bill applies only to the Travancore High Court; and we are more qualified to deal with Travancore Laws than the B. L's. We are more competent to deal with and handle medico legal cases and we know more of procedure than B. L's because we have been taught these subjects in our law course. They are taught the science of foreign laws which are of little use to us.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know who taught them those subjects, Graduates-in-law or pleaders?

MR. A. EASWARA PILLAI (*Kalkulam II*); Medical Jurisprudence was not taught by Graduates-in-law, I am sure.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Who taught them procedure?

MR. A. EASWARA PILLAI (*Kalkulam II*): I lay more stress on Medical Jurisprudence.

MR. P. C. KURIYAN (*Kottayam I*): Who taught them Medical Jurisprudence, graduates in medicine or non-graduates?

MR. A. EASWARA PILLAI (*Kalkulam II*): Anyhow, they are not Graduates-in-law.

Sir, unless provision is introduced in the Bill, prohibiting the advocates of the Bombay High Court from practising in our High Court, I cannot understand the logic in Mr. Abraham's argument. By spending a few rupees more 2nd grade pleaders could become advocates here also. So, I strongly oppose the amendment.

The amendment was put to the vote of the House and carried.

MR. S. J. NAIR (*Nedumangad*): I demand a poll.

PRESIDENT: I waited for two minutes; no demand was made. (*Cries of "We do not want a poll"*). Mr. S. J. Nair has demanded it.

MR. S. J. NAIR (*Nedumangad*): I do not press for it, Sir.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I move the following amendment:

In Clause 9, add as sub-clause (3) the following:

> "*Such rules shall also provide for the second grade pleaders enrolled as vakils in any Munsiff's Courts in Travancore before the 1st day of Chingam 1113 M. E., being qualified to apply for admission as vakils of the District Court as the result of an examination held from time to time by or under the supervison of the Council.*

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I rise to a point of order. Under Standing Order 25, an amendment must be relevant to and within the scope of the subject-matter of the Clause or motion to which it relates. This amendment does not deal with the qualifications of advocates at all. Clause 9 deals with the qualifications of advocates. This amendment deals with the permission that is to be granted to second grade pleaders to practise in District Courts. That has nothing to do with Clause 9. As such it cannot be an amendment to Clause 9. Clause 9 deals with advocates; this deals with non-advocates.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, it seems to me that this amendment is within the scope of this Bill. This Bill deals with the class of persons who are entitled to appear in the High Court, and in the subordinate courts. Clause 8 reads—

> "No person shall be entitled as of right to practise in the High Court or in any of the Courts subordinate there to unless his name is entered in the roll of advocates maintained under this Regulation."

Thus, this Bill provides for the qualifications of those persons who are entitled to appear not merely in the High Court but also in the subordinate courts. That being so, it seems to me that the Bar Council, which is the authority to fix the qualifications of persons who may appear before the High Court and those who may appear before the subordinate courts, may make rules under Clause 9 in regard to that class of persons who may appear before the subordinate courts.

MR. K. KUNJUKRISHNA PILLAI (*Qilon I*)· Sir, this amendment relates to Clause 9 specifically and not to Clause 8 or the whole Bill.

PRESIDENT; Clause 9, taken in conjunction with Clause 8, makes it clear that the Bill is concerned not only with advocates but with categories of persons other than advocates, and their rights, or the preservation of their rights, to practise. Viewed in that manner, although it may be said that in Clause 9 this particular matter does not come in, yet, taking Clause 8 and Clause 9 together as a code in regard to practice in courts, I think the amendment sought to be moved is admissible and within the scope and ambit of the Bill. I rule accordingly.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Sir, this amendment is intended to make some provision for enabling the second grade pleaders practising in the District Munsiff's Courts in the State to plead in the District Courts. Sir, I have clearly stated in the amendment that I have absolutely no objection to prescribe an examination by the Bar Council for this purpose, to keep up the efficiency of the District

[Mr. T. P. Velayudhan Pillai.]

Court Bar. Let us consider this qestion on its merits. Since the pleadership examination has been abolished, there need not be any fear in the minds of anybody that the District Court Bar will become overcrowded as the result of this change. If the second grade pleaders are given opportunities to improve their outlook and better their fortunes, that will certainly serve the interests of the public in manifold ways; because it is just possible that at least a few of them might be persuaded to keep up their legal studies, if a chance is provided to them for admission to the District Court Bar. The Travancore High Court have recognised this principle in the past when those who were able to secure fifty per cent. of the marks in the pleadership examination or those practising in the Munsiff's Court for five years, were permitted to practise in the District Courts without any special examination. Thus the principle underlying this amendment was accepted by the Travancore High Court. This system was stopped in the year 1911. It is clear that a vested right of the second grade pleaders was taken away from them without any compensation. So, I submit that it is only just and proper that they are given the opportunity for improving their condition.

Another point is that originally the pecuniary jurisdiction of the Munsiffs' Courts was Rs. 500. This was raised from Rs. 500 to Rs. 2,000. It is understood that it is going to be further raised to Rs. 2,500. It is unjust to any class of people to be told that they will be allowed to deal with cases to a maximum limit of Rs. 2,000, only, and that if the value of the subject matter of the suit is more than Rs. 2,000, they will not be allowed.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*) : Is the member aware that the jurisdiction of the Devicolam Munsiff is Rs. 5,000?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Yes, Sir. Some of the Munsiffs Courts are even to-day having jurisdiction to try cases up to a limit of Rs. 5,000. And the second grade pleaders *are* allowed to practise in those courts. Moreover, the complicated nature of the questions of law and fact is not at all dependent on the value of the suit. It may be the same whether the case be of the value of Rs. 100 or Rs. 1,000 or Rs. 5,000. It is the duty of the State to see that a person following any profession in life is given opportunities to improve his outlook and better his fortune. Otherwise his head and heart will both deteriorate.

Sir, in 1101, the elected respresentatives of the S. M. P. A. submitted a written representation to Government to the effect that steps be taken to enable the second grade pleaders to practise before the District Courts. In the old Legislative Council, as in the present Assembly, many of the honourable members have been urging upon the attention of Government the urgent necessity for making some provision to enable the second grade pleaders to practise before the

District Courts. I would appeal to the honourable members of the Assembly to sympathetically and generously consider this question and accept my amendment without any division. This is not at all against the principles of public policy or professional requirements. Sir, I fail to see the reason why the first and second grade pleaders alone should end their lives as pleaders when matriculates have become eminent Judges, when Hospital Assistants are becoming Assistant Surgeons and maistries become Assistant Engineers simply because of their ability, practice and experience.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): ഞാൻ ഈ അമെൻഡുമെൻറിനെ പിൻതാങ്ങുന്നു.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I support the amendment.

PRESIDENT: Honourable members may recollect that practically the subject matter of this amendment also has been discussed under the previous amendment. If honourable members have something new to say they may do so.

MR. S. J. NAIR (*Nedumangad*): Sir, something is better than nothing. Sir, since the amendment made in the Bill to Clause 9 as sub-clause (3) by the Select Committee has been vetoed it is better to have at least this. I hope that a better day will come to enable me to plead for the cause of the pleaders to practise before the High Court.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): There is one objection to the present clause. We do not propose to repeal the Vakil's Regulation. Only such portions of the Regulation dealing with advocates who have a right to practise before the High Court are sought to be amended. The remaining sections of the Regulation will be left as they are. It is the High Court who have to frame rules for the enrolment of the first and second grade pleaders. That power is not sought to be taken away by the passing of this Bill. We have to remember that we are dealing with advocates. Members of the Bar Council have to make rules only for the enrolment of the advocates and they have nothing to do with enrolment of second grade pleaders as vakils of the District Courts. The members of the Bar Council will, under the amendment now carried, have to lay down rules for the purpose of admitting persons who are not members of the Council. In other words, you are compelling the members of the Bar Council to frame rules for the sake of persons who have nothing to do with the Bar Council and who are under the diciplinary control of the High Court. The first and second grade pleaders are under the jurisdiction of the High Court, and the Bar Council has nothing to do with them. As long as they are in possession of a *sanad*, they will be entitled to practise before the Munsiffs' and District Courts. This House does not want to take away that right. That idea is contained in the proviso. They are under the disciplinary control and jurisdiction of the High Court. A Munsiff can report about the misconduct of the pleaders,

[Mr. Puthupalli S. Krishna Pillai.]

and the High Court will look into the matter. That matter need not go to the Bar Council at all That being the case, why should the Bar Council be compelled to enact rules for persons who have nothing to do with the Bar Council. That is a position which I cannot understand.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I also wish to submit one word. Under Section 8, no person shall be entitled as of right to practise in the High Court or in any of the courts subordinate thereto, unless his name is entered in the roll of advocates maintained under this Regulation. The first proviso says "provided that those who are enrolled before as vakils of any Court subordinate to the High Court but are not eligible for enrolment as advocates shall be entitled to practise as vakils so long as their enrolment remains in force." If Section 8 comes into effect, there can be only one kind of enrolment *viz.*, the enrolment of advocates. If a person is already a second grade pleader, he can continue as such. Similarly in the case of first grade pleaders. And there is no provision for enrolment of any class of pleaders other than advocates. In support of this, I would draw the attention of the House to another sub-clause. By the Schedule, Clauses (*b*), (*c*), (*d*) & (*e*) (both the columns) under Article 30 of the Stamp Regulation are to be deleted. They relate to the stamp fees payable for enrolment as Munsiffs' Court Vakils and District Court Vakils. Those Clauses are no more necessary because there is provision in the Regulation only for enrolment as advocates. Therefore under Clause 8 there is a statutory prohibition against the enrolment of any person as a vakil of the District Court or as a vakil of the Munsiffs' Court. Clause 8 is definite on that point. While clause (2) in Section 9 says that the Bar Council is to prescribe the qualifications for enrolment as advocates, we have now added a sub-clause that the Bar Council may hold examinations and declare any second grade pleader as being qualified to practise in District Courts. The Bar Council may declare like that. But, Section 5 of the Vakils' Regulation is to be deleted under this Bill. Therefore the point raised by my friend Mr. Puthupalli Krishna Pillai does not arise.

Even if the Bar Council has to frame rules and to hold examinations as provided for under this sub-clause, the point is that --

PRESIDENT: Your point is that there *must* be an affirmative legislation regarding enrolment of pleaders as District Court Vakils?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Yes, Sir. In the absence of such a provision, this amedment which was now carried, is not going to benefit the parties concerned. It will also appear incongruous.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Mr. T. P. Velayudhan Pillai's amendment, to the effect that second grade pleaders may be allowed to be enrolled as District Court Vakils after they pass an examination to be held by the Bar

Council, is very reasonable and consistent with the assurance given on behalf of Government on the last occasion when the matter was raised by Mr. S. J. Nair. In regard to the difficulties raised by Messrs. Puthupalli Krishna Pillai and Asan, all that the amendment says is the Bar Council shall have the powers to test the eligibility of the pleaders to become vakils of the District Court. The Bar Council is an expert body, something like a University or the Council of Legal Education. They will test whether these people have the ability to practise before District Courts. Necessary consequential amendments will be made at the third reading of the Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): But do they become members of the Bar Council ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Then, how can the Bar Council lay down rules for people who are not members of the Bar Council, and over whom they have no control ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is merely provided that, by means of an examination, their eligibility to become first grade pleaders will be determined. As for disciplinary control, even now they are under the High Court; and they will continue like that. Provision may be required to provide for their enrolment as District Court Vakils. For that purpose, amendments may be moved in the subsequent clauses.

MR. A. THANU PILLAI (*Trivandrum-Rural*): In regard to the amendment itself, I have to make a suggestion for the consideration of the Law Member.

The amendment of Mr. Velayudhan Pillai evidently means that all vakils enrolled as such should sit for the examinations to be held. I think power should be given to the Bar Council to impose restrictions such as "only vakils of 10 years' standing or of some definite number of years' standing can sit for the examination". Therefore, I suggest to the Law Member that the following words may be added at the end of Mr. T. P. Velayudhan Pillai's amendment—

"subject to such conditions as may be prescribed by the Bar Council"

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall consider that also.

The amendment was put to the vote of the House and carried.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I move the following amendment:

In Clause 9, add the following as sub-clause (4):—

"Notwithstanding anything contained in the Section or in any other provision of this Regulation, until the first rules under this Section come into force, the High Court shall have power to admit as advocates persons who, in the opinion of the High Court, are duly qualified for the same."

[Mr. A. S. Damodaran Asan.]

According to the scheme of the Bar Council Bill, it will be found that after the Bill comes into force, that is, after Clauses 8—16 are brought into effect the Bar Council will have to prescribe rules with the previous approval of the High Court and examinations have to be conducted by them. It is only after that, that advocates could be enrolled. With regard to the persons who had a right to practise in the High Court before the date on which Section 8 comes into force, they can be enrolled as advocates. But the subsequent enrolment has to wait until the Bar Council prescribes rules and after they come into force proper examinations have to be held for enrolment. Necessarily a long period will have to elapse during which time the enrolment as advocates has to be suspended. Under Clause 8 persons eligible to be enrolled as advocates but are not yet High Court Vakils, will have no right to practise even in subordinate courts until they are enrolled as advocates. In addition to the persons who want to join the profession of law, there are persons who are already in that profession, who will also be disabled under Section 8. It is not right that persons, who are desirous to become advocates, should be asked to wait until the rules under Clause 9 (1) are brought into effect. So, all that I wish to convey by this amendment is to give power to the High Court to enroll advocates, until the rules under sub-section 9 (1) are brought into effect. With these words I move the amendment for the acceptance of the House.

PRESIDENT : As the time is 3-30 we will now proceed to the discussion of the adjournment motion.

ADJOURNMENT MOTION.

ARRANGEMENTS FOR THE CONDUCT OF ELECTIONS TO THE LEGISLATURE.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*) : Sir, I move the following motion :

> " I beg leave to move the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, namely the unsatisfactory nature of the arrangements for the conduct of election to the legislative bodies as disclosed by the recent publication of the preliminary electoral roll and the fixing of the polling stations."

I may say at the outset that even though the motion I have moved is comprehensive enough to include the electoral roll in respect of the elections to both the Houses of Legislature, I shall confine myself particularly to the election and the arrangements proposed to be made with respect to the elections to the Sri Chitra S ate Council.

MR. S. J. NAIR (*Nedumangad*) : May I know the special reason which prompts the member to discuss that aspect of the question alone?

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*) : As a respectable voter to the Sri Chitra State Council and as a member of this Assembly I think even apart from the question of any special interest that

I may have, I am entitled to make a motion of this kind. On a passing glance of the electoral rolls now published both for the Assembly and for the State Council elections, it will be apparent that the elections to both the Houses are to be conducted on two different days.

Sir, that is a state of affairs which is unsatisfactory both from the point of view of Government and from the point of view of the voters and the candidates. When the reformed Legislatures were constituted in 1108 the elections to both the Houses were conducted on one and the same day, and the same polling stations were fixed for both the Assembly and the Council. Now, it is proposed that elections to the Assembly and to the State Council should be conducted on different days. It is a process which is more costly to Government. If they have to appoint Polling and Presiding Officers and to make sufficient Police arrangements for the conduct of the State Council election over and above the arrangements for the Assembly elections, it will surely entail additional expense. From the point of view of the voter, the State Council voter is *ipso facto* an Assembly voter. By the present arrangements he is called upon to attend the polling station and record his vote on two days. I submit, this arrangement is unnecessary and an additional burden is thus cast upon the State Council voter. Then as for the candidate in the new scheme of things, the State Council constituencies have been so extended or enlarged as to include three and four taluks and some of the constituencies extend to a length of more than 100 miles. Three and even four taluks are grouped together and the voters are asked to elect one or more members. As far as I am aware no constituency is permitted to elect more than one member from the general constituency. No one candidate can be expected to possess sufficient influence in all the taluks of his constituency alike. Under these circumstances, the inducement for the voter to go to the polling station and record his vote, is very limited. Ordinarily speaking, in the absence of any political party or organisation in the country to control and organise this kind of election, the election depends more or less entirely upon the individual efforts. The candidates will have to run about, in four or more taluks during a short period, and it will be impossible to induce all the voters, by legitimate means, to record their votes. Sir, to compensate for this inconvenience I submit that sufficient and reasonable facilities should be afforded to the voters to go to the polling stations and record their votes. As for that it will be evident from the preliminary electoral rolls that four and more *pakuthies* are grouped together and one polling station allotted to them. Voters are called upon to travel in some cases more than 16 and 18 miles to and fro to record their votes. I am submitting that from a careful study of the electoral rolls it will be apparent that more than 25 per cent. of the voters are females and a sufficiently large number of the male voters are persons who have passed their middle age. And the elections come off in the hottest part of the year somewhere during the middle of Medam. To expect these voters to walk in the hot sun a distance of more than 16

[Pottayil S. Krishna Panickar.]

or 18 miles to record their votes is very hard. It is almost an impossible task. If necessary and sufficient facilities are not given, the percentage of voters, who vote will be very poor even though Travancore claims to be one of the most enlightened country and the people are supposed to be most alive to their civic responsibilities.

MR. A. EASWARA PILLAI (*Kalkulam II*): May I know whether the dates for the State Council election have been fixed?

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala I*): I have no authoritative information as to the dates of the elections. Yesterday, I saw in some papers, that the Assembly election is to be conducted on the 16th, and the State Council election on the 21st of Medam. That is all the information I have. In order to obviate these difficulties, my proposal is that all the polling stations of the Assembly should be made the polling stations of the State Council as well. By doing so, the number of polling stations will be increased and the voters will not have the necessity of walking very great distances. And to the Government that will obviate the additional expenditure necessary for the conduct of two elections for the two legislative bodies on two different dates. Sir, there are not sufficient number of public passenger conveyances; as such the distance between the polling stations should, as far as possible, be so short that voters can conveniently go and exercise their votes. If the Assembly polling stations are used for the State Council elections also, then the distance will be minimised and no voter will be put to the necessity of walking more than 5 or 6 miles. That will be a sufficient inducement for the voter to go and record his vote. So I submit that both the elections should be conducted on one and the same date and all the Assembly polling stations should be used as polling stations for the State Council election also. In this connection, I may be permitted to say that, if my suggestion is found impracticable for any reason, my submission is that additional polling stations must be allotted for the State Council elections. By that I mean to say that at least one polling station must be established for every *pakuthi*. I make this request with special reference to one State Council constituency *viz.*, the Karunagapalli Kartikapalli Ambalapuzh constituency. From a reading of the voters' list it appears that these lists are prepared without any reference to any principle whatsoever. Kartikapalli is a taluk just as big as Karunagapalli, and the number of voters slightly bigger than that of Karunagapalli. In Karunagapalli taluk there are 12 polling stations one for each *pakuthi* whereas in the Kartikapalli taluk, there are only 5 polling stations to serve 754 voters and 17 *pakuthies*. In some of the polling stations in the Karunagapalli taluk the number of voters is below 50 and in one case it is below twenty whereas in the Kartikapalli taluk, no polling station serves less than 100 voters. The difficulty of travelling in both the taluks is the same. There is only one central road connecting both the taluks. There is no public passenger conveyance in all parts of the taluks. The polling arrangements in Kartikapalli is highly inadequate and unsatisfactory.

Coming to my own taluk Shertala, which is well known to be the most illserved taluk in the State in the matter of means of communication, with the loose burning sand, for 15 *pakuthies* there are only 8 polling stations. The area to be served is almost the same if not slightly more than that of Karunagapalli. For a voter to go from Panavally to Arukutty he has to walk 18 miles, and more than 25 per cent. of the voters are women. To expect them to walk great distances is nothing but an impossibility. So, I submit that the matter may be looked into carefully by the Government and sufficient number of polling stations established to conduct the State Council election. Even though it may entail a certain amount of additional expenditure and a little delay in republishing the list, it will be to the advantage of the voters. I request that this matter should not be brushed aside simply because it has once been disposed of by the Government. In one instance, a certain portion of Alleppey *pakuthi*, being beyond the jurisdiction of the Municipality, the voters are asked to pass along two polling stations on the way and to go to a distance of 6 miles. They might as well have been included in the polling stations within the Municipality, or a separate polling station might have been provided for them. This matter requires urgent looking into, and I earnestly appeal to the Government to bestow their serious consideration. With these words, I commend the motion to the acceptance of the House.

MR. A. EASWARA PILLAI (*Kalkulam II*): May I know whether it is the member's view that the polling for the Assembly and the Council should be conducted on the very same day?

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*): That was exactly what I said even at the begining.

MR. K. R. ELENKATH (*Kalkulam I*): I rise to support the motion. The main consideration in fixing the date of election ought to be the convenience of the public, economy to the State, and also to the voters and the candidates. I do not find what it was that led the Government to take this different course of action from the election of 1108. I very well remember that the election on that occasion went very smoothly and that both the voters and the candidates found it convenient to take part in the election. Unless the experience of the previous election has made it necessary for the Government to make an alteration in the way in which they have now thought it fit, I do not see why they should have decided to change from that course of action. In a State like Travancore where waste of money in such elections is so much, considering the economic condition of the people, I think Government should be very keen in seeing that the least amount of money is spent from the pockets either of the candidates or the voters, especially because there is no common fund from which the candidates can draw for their election expenses. The other point which Mr. Panickar stressed very well was that convenience should be given to voters as far as possible. And if the best facilities are given to the voters, generally the constituency will be able to return the best man.

[Mr. K. R. Elenkath.]

The success of the candidate elected depends upon the proportion of the votes polled. So, as far as possible, Government should give convenience to get recorded as many votes as possible, and for that a greater number of polling stations should be established. The greater the number of polling stations the more will be the number of voters attracted, to the polling stations. One point ought to be borne in mind. All the voters of the State Council are voters of the Assembly as well. That is a fact which Government ought to consider. Is it not very hard to ask a voter to go to the polling station twice risking all his professional duties and wasting his time. If the polling is to take place on the same day for both the Houses of Legislature that inconvenience can be minimised. With these words, I strongly support the motion.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): I also rise to support the motion. I am doing so not for all the reasons advanced by Mr. Krishna Panickar. He said that the constituencies had been arranged in a slipshod manner.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*): I never said any such thing about the constituencies. What I said was about the polling stations.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): In regard to polling stations, so far as I know, a certain plan has been followed in fixing them. I do not want to speak for or against any particular officer; but in this instance, Sir, I may say that the Electoral officer is one who knows the country thoroughly, especially the Ambalapuzha, Shertala, and Kartikapalli taluks. I want to stress this point because there is considerable force in the merits of the question. Taking into consideration the fact that only a very few voters are likely to go to the polling stations unless proper facilities are afforded to them, there is force in the contention of Mr. Panickar that as far as possible these voters must not be put to any serious inconvenience, especially because about 25 per cent of the total number of voters to the Council are women. In this country, Sir, women are highly patriotic and though they may be ready at the risk of personal inconvenience, to go to distant polling stations, our habit of chivalry should not tolerate that. It is very hard to expect women to walk long distances in those sandy places like Pallippuram and the adjoining localities in the whole of the Shertala taluk, in the hot days of the month of Medam, to record their votes. Further, if the voter takes the trouble to vote at the elections to the Assembly, that, after three or four days he or she should be expected to go again to the polling booth in order to send representatives to the Council is very hard on them. Sir, I do not want to draw any invidious distinction between the Assembly and the Council; but it is a fact that the number of voters to the Assembly is much larger than the number of voters to the Council. Therefore I think it will be very feasible to conduct both the elections on the same day and in the same polling stations, the same officer

managing both the elections in the same polling station. Sir, Mr. Panickar said that, in this country communications are scanty. I think Sir, I must take exception to that statement. I can tell him and the House that there is no other Indian State which has a greater length of roads and canals than our State has, considering the total extent of the country. At the same time, the conveniences now asked for, for the voters, are very necessary. With these words, I support the motion.

MR. P. C. KURIYAN (*Kottayam I*): I support the motion. If the elections to the Council and to the Assembly were to take place on the same day it will add much to the convenience of the voters. I take this opportunity to request the Government that the date to be fixed for the election should not fall on religious days, for instance during the Passion Weeks. There are two Passion Weeks. One is important for the Anglicans and the other for the Jacobites.

PRESIDENT : Does the member know the dates?

MR. P. C. KURIYAN (*Kottayam I*): No, Sir. I would also suggest that what was done in British India *viz.*, the provision of separate boxes for the various candidates with a view to simplify the work of the voter may be followed here also.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Sir, I rise to support the motion before the House. Mr. Panickar referred to certain inconveniences and difficulties in the way of the electors coming from distant places to the polling stations. I wish to make one or two observations in that matter. It should be made possible for any elector to reach a polling station by travelling not more than five miles. This was the principle followed in British India during the recent elections in fixing polling stations. Mr. Panickar also suggested that a polling station shold be established in every *pakuthi*. That need not necessarily be done; because it may be possible to group together a few *pakuthies* for one polling station without the voters being obliged to walk or travel more than 5 miles to reach the polling stations. Another suggestion I would like to make is that wherever there are a sufficient number of women voters, women Polling Officers should be appointed to record the votes of women voters.

A third suggestion which I want to make is that in no circumstance, a Polling Officer should be called upon to handle more than 600 or 700 voters. That is the maximum that one can handle. With these observations, I support the motion.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): In supporting the motion, I wish to emphasise the point referred to by Mr. Karayalar, *viz.*, that adequate facilities should be provided for having separate polling booths to enable women voters to come and record their votes and that women Polling Officers should be appointd. If that is done, it will be possible for a larger number of women to freely exercise their franchise. The other day I read in a newspaper that, in Malabar out of 23 polling stations 9 were entirely set apart for women voters.

[Mr. M. Abdur Rahiman Sahib].

This fact has been repeatedly urged here, and the need has been emphasised more than once that there must be sufficient facility to enable all women including *purdah* ladies to come and record their votes.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether if separate polling stations are established for women, they would walk long distances to record their votes?

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): As far as possible, every possibile arrangement should be made to cut short the distance to the polling booths, so that a larger number of voters can come and record their votes.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether Muslim ladies would come and record their votes if lady Polling Officers are appointed?

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Yes, I think so.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Some of the members of this House who are experts in wooing the electorate feel helpless to approach the newly constituted constituencies. They are so unwieldy in extent that the most optimistic of us feel helpless. Taluks and localities which have nothing in common have been grouped together; and votes that one candidate has to canvass have been incresed to such an extent that one cannot think of any election work except the announcement of his candidature. One of my friends humorously remarked that by the time the candidate finishes canvassing for one election he would have to begin canvassing for the next election. He was not wrong. My friend Mr. Panickar has already said that the present arrangements for polling are very inadequate. I will just bring to the notice of this House one instance. The taluks of Kartikapalli, Karunagapalli, Ampalapuzha and Shertala are grouped together as a single constituency for the State Council election and Ambalapuzha and Shertala as one constituency for the Assembly. In the Ambalapuzha taluk though there are 18 *pakuthies*, there are only 4 polling stations for the State Council. It is a matter of common knowledge that the major portion of the Ambalapuzha taluk consists of water-logged areas and that if a person wants to visit his next door neighbour, he will have to go in a small canoe. Travelling in these parts is extremely difficult, and it is strange that the Electoral Special Officer who himself belongs to the Ambalapuzha taluk has given to this taluk only 4 polling stations. That is practically denying polling facilities to the majority of the State Council voters in the Ambalapuzha taluk. The distance to be covered between the various polling stations is, in many cases more than 15 miles. That is one of the reasons which will induce most of the voters to keep away from the pollingbooth. Facilities should be given to attract the maximum number of voters to exercise their franchise.

The other aspect put forward by Mr. Panickar is the advisability of conducting the elections for both the Houses simultaneously. But there is some difficulty in regard to that, owing to the grouping of the

constituencies. It may not be possible to condut the elections to the State Council and to the Assembly on the same day, throughout the State. But I think there is nothing to prevent Government from making arrangements to have the votes recorded for the State Council also, in those places where the Assembly elections are held as was done in the past in the case of the Commerce and Industry constituency.

MISS HEPZIBAH GNANASIKAMONY (*Nominated*): Sir, I support the motion before the House. I am for election on the same date, but I am not for separate election for ladies. That is not necessary in our State. Further it will be very expensive. Just now it had been pointed out through the answer to a question that even Muslim ladies are prepared to vote. That being the desire of Muslim ladies, I request Government to appoint lady Polling Officers in stations where a large number of Muslim ladies have to record their votes and also in stations where ladies are not forward and need such a help. Sir, this is done in British India and I hope it can be done here as well.

Another thing; more privacy should be provided for Muslim ladies in the polling halls so that they may be able to record their votes without being seen by men.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): At the very outset I may say that the dates for polling have not yet been definitely fixed. The Special Officer has sent up his recommendation, but Government have not yet passed final orders. I believe, in making the recommendation, the Special Officer has taken into consideration the objection raised by Mr. Kuriyan. He has suggested three dates, 14th and 16th of Medam for election to the Assembly, and the 21st Medam for election to the State Council. Originally, his idea was to have elections on other dates but owing to the Easter falling on those days he has changed them. Government will examine the dates now recommended in the light of what Mr. Kuriyan has stated.

It has been suggested that the pollings may take place on the same dates, both for the Assembly and for the Council. I am sorry to say that it is an impracticable proposition. In 1108 the polling for both the Houses took place on the same dates. At that time, the number of voters for the Assembly was only about 1,50,000. Now, with the widening of the franchise, the number of voters stands at 5,10,000. At the last election, there were, on the whole, 399 polling stations for the Assembly and the Council. The maximum number of votes for each polling station is fixed at 800 for the ensuing elections. For the last election it was 600 and this figure would have been adopted for the elections if it had been possible to do so.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Is it the average number of voters for each polling station?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): 600 is the average number and 800 is the maximum.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): What was the maximum fixed last time?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): It was somewhere about 600.

With 800 voters for each polling station, there must be 799 or nearly 800 polling stations for the Assembly against 400 at the last election. If you are going to have both the elections on the same day, there will be 800 polling stations for the Assembly and the Council. The difficulty here is, first of all, to find an adequate number of suitable persons to serve as Polling Officers and Presiding Officers. Last time for nearly 400 polling stations Government had to engage about 1,600 officers. Besides these, there were special Presiding and Polling Officers for the special constituencies. For each polling station there were four officers, two Polling Officers and two Presiding Officers. There was considerable difficulty in finding a sufficient number of these officers on the last occasion. Government had to appoint officers on Rs 50 and even lower grade clerks drawing Rs 20 and Rs. 25 as Polling and Presiding Officers. That was in 1108, when the number of officers required was only 1,600.

MR. K. R. ELENKATH (*Kalkulam I*): Cannot one and the same officer act for both the Assembly and the Council by providing two boxes, one for the Assembly and the other for the Council?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): But the box for the Assembly is different from the box for the Council. There must be one officer for each box. There will be practical difficulties if one officer was put in charge of both the boxes. Government do not want to inconvenience the public. They have considered all aspects very carefully; and as it is not possible to find a sufficient number of officers to serve as Polling and Presiding Officers, it has been decided not to have the elections to both the Houses on the same dates.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum Urban*): Is there any rule that only officers should be appointed as Polling Officers?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The difficulty will be greater to find suitable non-officials. Even in 1108, there was difficulty in finding sufficient number of Polling and Presiding officers. Now we require double that number; and if the elections to both the Houses were to take place on the same day......

MR. K. PADMANABHAN (*Chirayinkil I*): In British India, non-officials are appointed as Polling Officers.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Sir, we have no objection to appoint non-officials, if we can find competent non-officials. There is the practical difficulty of finding a sufficient number of hands to conduct the polling for both the Assembly and the Council on the same day, as suggested by Mr. Panickar and some others.

Then, Sir, honourable members seem to think that, by the present arrangement, Government have to incur large expenditure. I am afraid it is the other way. Take the cost of the boxes alone. If the elections were to take place on the same day about 3,200 boxes would be required. But in 1108 the polling was managed with 1568 boxes; 800 boxes for the Assembly and 768 boxes for the Council. The Special Officer calculates the price of each box at Rs. 4. The saving that can be effected is, therefore, nearly Rs. 6,500. This is a considerable amount which need not be wasted.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*) : May I know whether the size of the boxes should be uniform in all cases and whether they could not be made smaller, and therefore cheaper?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : The size of the boxes has not been considered. The Special Officer says that the cost of one box will be Rs. 4. Besides this saving, honourable members may also consider the practical difficulty of finding enough men to serve as Polling and Presiding Officers.

Regarding the special request made by Mr. Panickar, whether the polling is to take place on the same day or not, the difficulties of his own constituency may be considered and something may be done to minimise them, Sir, I know Shertala well. It is a sandy place where walking long distances in the hot sun is an ordeal. This time Government issued instructions as was done on the last occasion that the distance from one polling station to another should not be more than six miles. No voter will have to walk more than six miles to record his vote. That was the instruction issued in 1108 also. The Special Officer has so arranged the stations that a voter will not have to cover a longer distance than six miles. Mr. Krishna Panickar says that in some places, the voter has to walk about eighteen miles for recording his vote. I do not know which place it is. Here is the statement of the Special Officer that the polling stations have been so arranged that no elector will be obliged to walk more than six miles.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : May I know whether the Government will be pleased to consider representations for the shifting of polling stations?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : I am coming to that.

Regarding the request of Mr. Panickar that the polling stations for his constituency may be increased, I may say that there are eight stations for the Shertala constituency. I do not think that I can give an undertaking, without looking into the matter, that the number will be increased. The rules have been published, the stations have been fixed and the notifications have appeared in the Gazette. I am told that a certain period is allowed for filing objections before the Returning officers. It is the Returning officer that has to hear objections and reallot polling booths or increase their number.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*): The Returning officer has to hear objections only with regard to the voters' list. He has nothing to do with the polling booths.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): That is not my information. There is the Returning officer and also the Registration officer. The latter fixes the polling area and the Returning officer fixes the polling stations and objections about polling stations have to be filed before him. I do not know whether under the rules we can go back upon the notifications already published. If there is any possibility by which that can be done, the complaint raised by Mr. Krishna Panickar will be looked into. But I cannot give an undertaking until the matter has been examined by the Law Officers.

In regard to the dates of polling, I can say positively that it is impossible to have the polling on the same day for both the Assembly and the Council.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): What about reducing the number of votes for each polling station as suggested by Mr. Karayalar?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): We have fixed 800 as the maximum and 600 as the average for each polling station. If it is further reduced we would require more polling stations.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): May I know whether it will be possible for 800 voters to vote in one station the same day?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): It may be possible.

MR. P. C. KURIYAN (*Kottayam I*): May I know whether it will be possible to allot separate boxes for each candidate as in British India?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I do not think it is possible to do so.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): What about the giving of facilities for women voters?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I do not know whether my friend wants separate polling stations for women, all over the country or only in places where there may be a large number of *purdha* women. If he wants separate polling stations for women all over the State, I may say that it is impossible. In regard to the second point, if it is possible to have separate polling stations for women in particular localities, it will be considered.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I wish to say a word or two on this motion. The voting has to take place within ten hours. Ten hours mean 600 minutes. Anyone who has experience of the time usually taken for recording a vote will admit that not less than one and a half or two minutes will be required to record a single vote

Some of us who have experience of voting can assert that we have very often experienced difficulties in getting votes recorded within the time allotted. The maximum number of voters fixed on the last occasion was 600. Now it has been raised to 800. I sympathize with the difficulties of Government in finding sufficient number of officers to conduct the elections. But the Government are expected to give necessary facilities to the voters to go and record their votes. When difficulties were experienced even when the average was 600 the Government can more or less imagine the difficulties that will be experienced when the average is raised to 800. Government can know from the Returning Officers who served at the previous elections the difficulties experienced by the voters in recording their votes within the time allotted. On previous occasions in certain centres there were demands for increasing the number of Polling Officers. In certain cases the Returning Officers complied with the request. So, I would suggest that it is absolutely necessary that the maximum number of voters in a polling station be brought down. The voters have to be identified, and if they are illiterate their votes will have to be recorded by the Presiding Officers. All these will necessarily take time. There will be no good complaining against the Polling Officers, on that day. We cannot get the defects rectified on the spot. There is no good in finding fault with the Polling Officers for not doing the whole work in time. I would also suggest that in fixing the polling stations the convenience of the voters must be ascertained. I have seen in a number of places that two portions of the same building are chosen for two polling stations. That should not be done. The polling stations should be in the centre of the polling area. The stations should be fixed so as to suit the convenience of the voters concerned. With these words, I support the motion.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*) : Sir, I was very patiently hearing what the Chief Secretary said. He said that there were practical difficulties in conducting the elections on one and the same day. With regard to the statement of the Chief Secretary that polling stations once fixed cannot be changed, I may say that there are instances in which polling stations once fixed have been changed. My request once again is that this matter may be sympathetically and reasonably looked into and sufficient number of polling stations given.

I may say at the outset that the distance of six miles fixed, is not adhered to in practice. The distance between Poochakkal *thodu* the southern boundary of Panavallil *pakuthi* and Arukutty is not less than eight miles. The distance from the Thrikunnapuzha beach to Karuvatta English School the present polling station is very much more than 6 miles. I regret very much to note the unsympathetic attitude taken by the Government in the matter of even increasing the number of polling stations. Unless I have more sympathetic response and an assurance that all that could be done will be done I am afraid I will have to press the motion to a division.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI *(Chief Secretary to Government)* : May I add a word, Sir. I have stated definitely that if the rules permit it Government will look into the complaints. If it is found that the polling area in a particular locality is far too much, and if under the rules the number of polling stations can be increased Government will have no objection to consider it. I have specifically stated in regard to the Shertala taluk that it is a very difficult place and that Government will look into the possibility of increasing the number of polling stations there.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*) : On the assurance now given by the Chief Secretary I withdraw the motion.

The motion was, by leave, withdrawn.

The House adjourned at 4·28 P. M.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Mulam Assembly.

PROCEEDINGS

of

THE TRAVANCORE SRI MULAM ASSEMBLY.

(*OFFICIAL REPORT.*)

FIRST ASSEMBLY.

NINTH SESSION.

Wednesday, the 25th February 1937/14th Kumbham 1112.

The Assembly met again in the Victoria Jubilee Town Hall at Eleven of the Clock, with the President in the Chair.

QUESTIONS AND ANSWERS.

Construction of the Kuriathu bund.

304. *MR. A. S. DAMODARAN ASAN (*Mavelikara*): Will the Government be pleased to state:

(*a*) whether it has been decided to recover one-half of the cost of the construction of Kuriathu bund in Pavookkara *muri*, Kurattisseri *pakuthi*, Tiruvalla taluk, under the Irrigation Regulation, from the owners of 169 acres of land adjacent to the above;

(*b*) if the answer to part (*a*) is in the affirmative, whether the restoration of the bund was necessitated by the breach that occurred in the floods of 1099 and the time at which the work was commenced;

(*c*) the extent of garden lands, *Viruppu* lands, and *punja* lands comprising the 169 acres sought to be taxed;

(*d*) the area of the lands that would get any additional facilities for irrigation and drainage by the construction of the bund above referred to;

(*e*) whether notification under the Irrigation Regulation was published in the Government Gazette inviting objections to the recovery of the cost of the bund, and, if so, the date of such notification, the extent of land about which notification was published and the date of commencement of the work;

(*f*) whether objections have been put in by the owners of lands to the notification referred to in part (*e*), and, if so, the number of persons that have objected to the same; and

(*g*) whether representation has been made to the Government that the recovery of the cost is illegal, irregular and inequitable, and if so, the steps taken on such representation?

G. P. T. 2527—350.

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (*a*) Yes; but subsequently Government have ordered to stop all proceedings towards the realisation of half contribution.

(*b*), (*c*), (*d*), (*e*), (*f*) and (*g*). These do not arise in view of the answer to part (*a*).

Registry of Cardamom lands.

305. *MR. K. P. KRISHNA MENON (*Parur*): Will the Government be pleased to state:

(*a*) the number of applications received by the Commissioner Devicolam till the end of Karkatakam 1111 for the registry of Cardamom lands in the Pallivasal *pakuthi*;

(*b*) the names of applicants and the area covered by each application;

(*c*) the amount received as advance from the applicants;

(*d*) whether any registry has been effected till now;

(*e*) if so, the number and the area under each item; and

(*f*) if no registry has been effected, the reasons for the delay?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

(*a*) 193.

(*b*) & (*c*) A *statement showing the particulars is laid on the table.

(*d*) No.

(*e*) This does not arise in view of answer to part (*d*).

(*f*) Proceedings are in progress. A †statement showing the various stages of pendency of the applications is laid on the table.

MR. K. P. KRISHNA MENON (*Parur*): With reference to the answer to part (*d*) of the question, may I know the reasons for such a long delay in effecting registry?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): The chief reason is that the trees have to be numbered; and the Survey Superintendent has been asked to arrange for it.

MR. K. P. KRISHNA MENON (*Parur*): Will the applicants be permitted to enter upon the lands and carry on cardamom cultivation before the numbering is effected?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): In the case of areas the survey of which has been completed, the applicants will be permitted to carry on cultivation. They can apply to the Devicolam Commissioner; he is competent to sanction the entry.

MR. K. P. KRISHNA MENON (*Parur*): If they are allowed to cultivate, may I know whether they will have to pay the unpaid balance of the first instalment? Out of the first instalment of Rs. 10, they have paid the advance of Rs. 5.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): That question has not been considered, nor has the Devicolam Commissioner referred it to Government yet.

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*Vide Appendix I pages 948-953.
†Vide Appendix II page 954.

MR. K. P. KRISHNA MENON (*Parur*): Will the Government be pleased to take early steps to effect the registry?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Government are pushing on in the matter.

P. W. D. Section Officer at Nedumangad.

306. * **MR. S. J. NAIR** (*Nedumangad*): With reference to the statement of mine at the time of the general discussion of the budget for 1112 M. E., published at page 40 Vol. VIII, No. 2 of the printed Proceedings of the Assembly, about the dereliction of duty on the part of the P. W. D. Section Officer, Nedumangad, will the Government be pleased to state:

(*a*) what action has been taken about the conduct of the P.W.D. Section Officer in question; and

(*b*) whether they are aware that he is not attending even now to the maintenance works of the branch roads in the taluk?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (*a*) The Chief Engineer has reported that no action has been taken as none was found necessary.

(*b*) No.

MR. S. J. NAIR (*Nedumangad*): May I know why no action was found necessary against the P. W. D. section officer, at Nedumangad?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The Chief Engineer found on enquiry that the allegations made were groundless.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Chief Engineer has at any time inspected the roads and by-roads in the Nedumangad taluk, after he assumed charge?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): I do not know. But in reply to another question the member had been told that the Chief Engineer, the Division Officer and the Sub-division Officer have visited the locality.

MR. S. J. NAIR (*Nedumangad*): My question is whether the Chief Engineer, at any time, inspected the roads in the Nedumangad taluk?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): He has.

MR. S. J. NAIR (*Nedumangad*): May I know whether Government will be pleased to consult the Tahsildar of Nedumangad as well as the other executive officers in the place, and ascertain from them whether the roads in the Nedumangad taluk are being properly maintained?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The Chief Engineer is satisfied that the roads are maintained in as good a condition as possible with the grant available.

MR. S. J. NAIR (*Nedumangad*): Is it by an astrological calculation or by actual experience after inspection of the roads that he is so satisfied?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): He has got the reports of the Division Officer and the Sub-division Officer. He knows the length of the roads. In regard to the question of ascertaining the condition of the roads from the other executive officers of the locality, I may at once tell the member that the Government are not prepared to do any such thing.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Government will be prepared to make the necessary investigation on the statements that I have made, and I do make now also, that the roads in the taluk are not at all maintained by the Section Officer there?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The matter has already been enquired into.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Government are aware that the Division Officer and the Sub-Division Officer are actually supporting the P. W. D. Section Officer there for reasons that are unholy?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*); I understand that the Sub-Division Officer wrote to the member asking him to be present for a joint inspection of the roads with the Section Officer, but the member did not send a reply for about three weeks. The Sub-Division Officer again wrote to the member suggesting three dates for the joint inspection. None of them was convenient for the member. So, it was thought that the member was not in a mood to conduct any joint inspection. So, the Sub-Division Officer made the inspection himself.

MR. S. J. NAIR (*Nedumangad*): Does the honourable member know that, when the Sub-Division Officer wrote to me fixing a date for joint inspection, I was engaged in Assembly work?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The dates suggested by the honourable member himself were days on which the Section Officer was on casual leave.

MR. S. J. NAIR (*Nedumangad*): Are the Government aware that the honourable member for Nedumangad suggested various dates to the Sub-Division Officer, to the Division Officer and to the Chief Engineer to convince them that the roads were not properly maintained?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): I am not aware of that.

MR. S. J. NAIR (*Nedumangad*): Are the Government aware that the honourable member for Nedumangad has addressed a letter to the Government, as well as to the Chief Engineer, pointing out the suspicious conduct of the Sub-Division Officer and of the Section Officer in not having accepted my challenge?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The Government have received those letters.

MR. S. J. NAIR (*Nedumangad*): May I know what action has been taken on them?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): It was upon those letters that an enquiry was made.

MR. S. J. NAIR (*Nedumangad*) : Are the Government aware that the Chief Engineer has not made any personal inspection of the roads even after such complaint ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): He asked the Division Officer to make enquiries.

MR. S. J. NAIR (*Nedumangad*): May I know the reason why the Chief Engineer is not prepared to satisfy himself by a personal inspection of these roads ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Evidently because the complaint relates to the maintenance of a few cart roads in the Nedumangad taluk, the Chief Engineer did not consider it necessary that he should himself go to the spot.

MR. S. J. NAIR (*Nedumangad*) : Are the Government aware that the amount allotted for the maintenance of the roads in the Nedumangad taluk is being divided among the P. W. D. officers there, such as the Section Officer and the Sub-Division Officer, without utilising it for the purpose for which it is intended ?

PRESIDENT : I presume the honourable member has made the allegation in his representation to Government on this matter ?

MR. S. J. NAIR (*Nedumangad*) : Yes, Sir.

PRESIDENT: Then, that will be enquired into.

MR. S. J. NAIR (*Nedumangad*): One question more. May I know how the Government are going to satisfy themselves that the Section Officer is not utilising the funds for the purpose for which they are intended ?

PRESIDENT : Question No. 307.

Pay-ward in the Kottayam District Hospital.

307. ***MR. P. C. KURIYAN** (*Kottayam I*) : Will the Government be pleased to state :

(*a*) whether there is a pay-ward at present in the Kottayam District Hospital ; and

(*b*) whether the Government have at any time received any representation from the public of Kottayam regarding the need for a pay-ward being attached to the District Hospital at Kottayam ?

MR. JAMES SIMPSON (*Darbar Physician*) : (*a*) No.

(*b*) No such representation was received. The Municipal Council at Kottayam had an idea of constructing a pay-ward in the premises of the District Hospital, Kottayam, for the use of well-to-do patients and Government have sanctioned the construction of the same, subject to certain conditions.

MR. P. C. KURIYAN (*Kottayam I*) : With reference to the answer to part (*b*) of the question, may I know whether pay-wards were attached to other hospitals only after the people demanded them ?

MR. JAMES SIMPSON (*Darbar Physician*) : Generally, that is the case.

MR. P. C. KURIYAN (*Kottayam I*): May I have an instance of a place where a pay-ward was constructed because there was demand made for it?

MR. JAMES SIMPSON (*Darbar Physician*): Tiruvalla is a place where a maternity ward was established on the lines of the pay-ward as a result of demands made for it. In the case of Kottayam, as far back as 1930, the Municipality expressed their desire to put up a pay-ward in the Hospital compound itself. Government sanctioned this, subject to certain conditions. Since October 1930, the Municipality have done nothing about it.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether the establishment of pay-wards has resulted in loss or gain to Government?

MR. JAMES SIMPSON (*Darbar Physician*): They are certainly not reproductive.

Women and Children's Hospital at Kottayam.

308. ***MR. P. C. KURIYAN** (*Kottayam I*): Will the Government be pleased to state:

(*a*) the number of Women and Children's Hospitals in the State;

(*b*) whether Kottayam has got a Women and Children's Hospital;

(*c*) the number of women patients and children patients in the Kottayam District Hospital for the years 1105, 1106, 1107, 1108, 1109, 1110, 1111 and 1112 (till 3-6-1112); and

(*d*) whether the Government have received any representation regarding the necessity for a separate Women and Children's Hospital at Kottayam?

MR. JAMES SIMPSON (*Darbar Physician*): (*a*) There are only two hospitals in the State set apart exclusively for women: *i.e.*, the Women and Children's Hospital at Trivandrum and the Victoria Jubilee Hospital at Quilon.

(*b*) No.

(*c*) The number of women and children patients are as follows:—

Year.		*Number of patients.*
1105	...	27,562
1106	...	32,563
1107	...	29,765
1108	...	34,406
1109	...	33,495
1110	...	31,595
1111	...	36,876
1112 (for five months):		13,898

(*d*) Such a representation is not forthcoming.

Election of President of the Kottayam Municipal Council.

309. *MR. P. C. KURIYAN (*Kottayam I*): Will the Government be pleased to state:

(*a*) whether they have received any complaints about the way in which any municipal councillor at Kottayam exercised his vote in the last Municipal President's election at Kottayam;

(*b*) the number of Government officers who were members of the council who participated in the President's election;

(*c*) whether any official councillor absented himself from the meeting held for the election of a President; and

(*d*) if so, the reasons for the same?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) No.

(*b*) three.

(*c*) Yes; the Medical Officer, Kottayam, was absent.

(*d*) Government are not aware of the reasons for his absence.

MR. P. C. KURIYAN (*Kottayam I*): Are the Government aware that the District Surgeon, Mr. Isac, wilfully absented himself on the day of the election, in order to avoid participating in the election?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Government are not aware.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): Is there any rule that official members of municipal councils should vote in the election of Presidents of Municipal Councils even in spite of their unwillingness or inability?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): There is no rule compelling the official members to vote, nor is there any rule that a particular member should vote for a particular candidate.

Water-supply scheme at Kottayam.

310. *MR. P. C. KURIYAN (*Kottayam I*): Will the Government be pleased to state:

(*a*) whether they have received any representation regarding the urgent necessity for a water-supply scheme at Kottayam;

(*b*) if so, what action they have taken thus far;

(*c*) whether the Water Works Engineer has submitted any report to them regarding the same; and

(*d*) if so, will they be pleased to place a copy of the report on the table?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (*a*) Yes. From the President, Municipal Council, Kottayam.

(*b*) The Water Works and Drainage Engineer has been asked to send up a report devising measures for the supply of good drinking water to the town in consultation with the Municipal Council. The Water Works and Drainage Engineer visited the town in Kanni 1112, discussed matters with the Council in an informal meeting and has since been in correspondence with the President answering the latter's questions and asking for necessary information from the President

[Mr. K. Madhava Kurup.]

bearing on the scope of the scheme the Municipal Council has decided upon.

(c) No. He can submit a report to Government only after he receives the reply of the President whom he has reminded.

(d) Does not arise in view of the answer to (c).

Dust in roads.

311. *MR. P. C. KURIYAN (*Kottayam I*): Will the Government be pleased to state:

(a) whether they are aware of the dust problem in the various roads in the State; and

(b) whether they have received any offer from anybody suggesting a contrivance to absorb the dust?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (a) Yes.

(b) No.

Fee concession in College classes.

312. *MR. P. C. KURIYAN (*Kottayam I*): Will the Government be pleased to state the communities that receive fee concession in college classes in the State?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): Students of the Mahomedan community alone are eligible for fee concession in departmental colleges.

Opening of Rural Libraries.

313. *MR. A. S. DAMODARAN ASAN (*Mavelikara*): Will the Government be pleased to state:

(a) whether new rural libraries are to be opened from the beginning of the next school year in any of the Vernacular schools;

(b) whether the Director of Public Instruction has received any application for opening a rural library in Pallickal V. P. Girls' School in Mavelikara taluk; and

(c) if the answer to part (b) is in the affirmative, the step taken on the same?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*):

(a) The matter is under consideration.

(b) No.

(c) This does not arise in view of answer to part (b).

The A. V. M. Canal.

314. *MR. G. NILAKANTAN (*Nominated*): Will the Government be pleased to state whether they contemplate resuming the work of completing the A. V. M. Canal as originally proposed?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): No.

MR. A. ESWARA PILLI (*Kalkulam II*): May I know how far the A. V. M. Canal is navigable now?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): About $2\frac{1}{2}$ miles.

MR. K. R. ELENKATH (*Kalkulam 1*): May I know the approximate cost that would be required for completing the work?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): About Rs. 5 or 6 lakhs.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Will the Government take up this canal also, complete it and make it navigable, in the course of their general scheme of the improvement of the water-ways in the State?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The development of water-ways generally is under consideration.

Railway Station at Veli.

315. ***MR. N. ABDUR RAHIMAN SAHIB** (*Nominated*): Will the Government be pleased to state:

(*a*) whether the estimate for the new railway station at Veli is sanctioned; and

(*b*) at what stage the scheme is at present?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): (*a*) No. A revised estimate has been called for from the Railway Administration and it is awaited.

(*b*) In view of the answer to part (*a*), the question does not arise.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): May I know the estimated amount as per the original estimate?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): There was a rough estimate for about Rs. 50,000.

Valans qualified to vote for the Sri Mulam Assembly.

316. ***MR. EDAVANATT S. PADMANABHA MENON** (*Shertala I*): Will the Government be pleased to state the number of Valans qualified as voters to the Sri Mulam Assembly under the new Electoral Rules?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The information can be gathered only by taking an individual census of Vala electors. This work involves a good deal of time and labour which, Government consider, will be out of proportion to its possible utility.

Appendix I.

Vide Answer to Question No. 305.

Statement showing the names of applicants for cardamom lands in Pallivasal.

Serial No	Name of applicant.	Area.		Initial deposit.			Remarks.
		Acre.	Cent.	Rs.	ch	c	
1	N. J. Job	15	..	76	9	8	
2	S. Chattanatha Karayalar	500	...	2,544	18	0	With-drawn, deposit refunded.
3	Varkey Puravathu	5	...	25	12	8	
4	Thariathu Kunjithomman	75	...	381	19	8	
5	Narayanan Venkitan Potti	50	...	254	13	0	
6	V. Neelakanta Aiyar	30	...	152	19	0	
7	A. Raman Pillai	40	...	203	16	0	
8	Dr. M. N. Pillai	100	...	508	26	0	
9	C. U. Varkey	50	...	254	13	0	
10	Neelakanta Aiyar Krishna Aiyar	5	..	25	12	8	With-drawn, deposit refunded.
11	Dr. M. O. Cheriyan	30	...	152	19	0	
12	K. S. Padmanabha Pillai	20	...	101	22	0	
13	K. Krishnan Nair	10	...	50	25	0	
14	A. Sankara Pillai	10	...	50	25	0	
15	T. K. Varkey	30	...	152	19	0	
16	T. V. Augusthy	3	...	15	7	8	
17	M. M. Kuriakose	3	...	15	7	8	
18	C. V. Varghese	10	...	50	25	0	Rejected and de-posit re-funded.
19	V. Udyamoorthy Aiyar	5	...	25	12	8	With-drawn & deposit refunded.
20	G. Sylus Fletcher	5	...	25	12	8	
21	P. O. Mathai	25	...	127	6	8	
22	Mariammal Pennammal	3	...	15	7	8	
23	Krishna Pillai Krishna Pillai and others	10	...	50	25	0	Applica-tion re-jected.

APPENDIX I—(*contd*).

Serial No.	Name of applicant.	Area.		Initial deposit.			Remarks.
		Acre.	cent.	Rs.	ch	c	
24	G. Purushothaman Pillai	10	...	50	25	0	Rejected
25	M. P. Mathew	6	...	30	15	0	& deposit
26	Itty Joseph	1	...	5	2	8	refunded.
27	Thomman Jaravas	10	...	50	25	0	Application rejected.
28	Velayudhan Govindan	10	...	50	25	0	
29	M. Sundaresa Aiyar	50	...	254	13	0	
30	S. Sthanunatha Aiyar	50	...	254	13	0	
31	Yaku Rodriguez	5	..	25	12	8	
32	Narayana Kurup	61	...	310	12	8	
33	Chakiamma Parvathy Amma	10	...	50	25	0	
34	V. P. Varughese	7	...	35	17	8	
35	P. Kurien John	150	...	763	11	0	
36	C. Rocha	10	...	50	25	0	
37	P. I. Varughese	10	...	50	25	0	
38	Pothan Philip	15	...	76	9	8	
39	E. Raman Thampi	25	...	127	6	8	
40	Karthiayani Gouri Amma	3	...	15	7	8	
41	A. K. Achuthan	3	...	15	7	8	
42	K. Paru Kutty	5	...	25	12	8	
43	Aiyappan Narayanan	3	...	15	7	8	
44	Anantha Rao and Krishnaswamy Rao.	300	...	...	...	..	Application rejected G. O.D Dis. No. 2162/ 35/ Rev. dated 7-12-1935.
45	S. Neelakantan Nair	4	...	20	10	0	Application withdrawn and deposit refunded.

Appendix I—(*contd.*)

Serial No.	Name of applicant.	Area.		Initial deposit.			Remarks.
		Acre	Cent.	Rs.	ch.	c.	
46	M. S. Kumaran Nair	5	...	25	12	8	Application withdrawn and deposit refunded.
47	N. Kochukrishna Pillai	7	...	35	17	8	Do. Do
48	G.I. Kovoor	500	...	2,544	18	0	Application rejected and deposit refunded.
49	V. Nagappan Nair	50	...	254	13	0	Do. Do.
50	Devassia Chakkokappan	50	...	254	13	0	Do. Do.
51	Podiya Nadar	1	...	5	2	8	
52	Lonan Kochappu and Mathai Thomman	5	...	25	12	8	Rejected
	1111 M. E.						
53	Chacko Issac	50	...	254	13	0	
54	N. Govinda Menon	40	...	203	16	0	
55	Paramesvara Panickar Damodara Panickar	50	...	254	13	0	
56	Cheriyan Varkey	12	...	61	2	0	
57	Paulo Varughese	10	...	50	25	0	
58	Thariathu Kunjithomman	200	...	1017	24	0	
59	Narayana Pillai Paramesvaran Pillai	5	...	25	12	8	
60	Pailu Pailu	3	...	15	7	8	
61	N. Govinda Menon	60	...	305	10	0	
62	Varughese Michael Kutty	3	...	15	7	8	
63	Chacko Chacko	4	...	20	10	0	
64	Parukutty Amma Ammalu Amma	3	...	15	7	8	
65	Kochu Pappy Amma	5	...	25	12	8	
66	K. C. Jacob	5	...	25	12	8	
67	P. I. Gopalan Nair	92	..	468	6	0	
68	K. Neelakanta Aiyar	50	...	254	13	0	
69	Kuryayip Kuryayip	7	...	35	17	8	
70	P. Kuriyan John	100	...	508	26	0	
71	M. O. Cheriyan	20	...	101	22	0	
72	Kurien Chandy	6	...	30	15	0	
73	Kaku Blamana	3	...	15	7	8	

APPENDIX I—(*contd.*)

Serial No.	Name of applicant.	Area.		Initial deposit.			Remarks.
		Acre.	Cent.	Rs.	ch.	c.	
74	Secretary, P. C. C. P. Society	300	...	1526	22	0	
75	Kochu Kamachi Mannan	3	...	...	...	...	
76	Suppayyan Mannan	3	...	...	...	...	
77	Pandiyan Mannan	3	...	...	...	...	
78	Vellayan Mannan	3	...	...	...	...	
79	Chickan Mannan	3	...	...	...	..	
80	Subramoniam Mannan	3	...	..	...	...	
81	Raman Mannan	3	...	...	...	...	
82	Periyan Mannan	3	...	...	...	...	
83	Raman Mannan	3	...	...	...	...	
84	Raman Mannan	3	...	...	...	...	
85	Uthayar Thevan Mannan	3	...	...	...	...	
86	Nayan Mannan	3	...	...	...	...	
87	Chinnavan Mannan	3	...	...	...	...	
88	Lakshmanan Peruman Mannan	3	...	...	...	...	
89	Nayan Mannan	3	...	...	...	...	
90	Gopalan Mannan	3	...	...	...	...	
91	Raman Mannan	3	...	...	...	...	
92	Nayan Mannan	3	...	...	.	...	
93	Thevan Mannan	3	...	...	...	...	
94	Gopura Mannan	3	...	...	...	...	
95	Madhava Mannan	3	...	...	...	...	
96	Nanki Mannan	3	...	...	...	...	
97	Kumaran Mannan	3	...	. .	...	...	
98	Kamatchi Mannan	3	...	...	...	...	
99	Pappan Mannan	3	...	...	...	...	
100	Vathihackan Mannan	3	...	...	...	...	
101	Pandiyan Mannan	3	...	..	...	...	
102	Ponnayan Mannan	3	...	...	...	...	
103	Ramasami Mannan	3	...	...	...	...	
104	Chackan Mannan	3	...	...	...	...	
105	Veerapandy Perumal	3	...	...	...	...	
106	Kothamalli Mannan	3	...	...	...	..	
107	Azhakan Mannan	3	...	...	...		
108	Ariyan Mannan	3	...	...	...		
109	Chackan Mannan	3	...	...	...		
110	Nayan Mannan	3	...	...	..		
111	Krishnan Mannan	3	...	...	...		

APPENDIX I—(*contd.*)

Serial No.	Name of Applicant.	Area.		Initial deposit.			Remarks.
		Acre.	Cent.	Rs.	ch	c.	
112	Thamkan Mannan	3	...	...	...	...	
113	Ramakrishnan Mannan	3	...	...	...	...	
114	Lakshmanan	3	...	...	...	...	
115	Chandaran	3	...	...	...	...	
116	Chockayan Muduvan	3	...	...	...		
117	Komali Muduvan	3	...	...	...	...	
118	Ayasami	3	...	...	..	...	
119	Thirumal	3	...	...	...	...	
120	Kamayan Muduvan	3	...	...	...	...	
121	Palani Kumaran	3	...	...	...	...	
122	Thirumal Moopan	3	...	...	...	...	
123	Kunchalan Muduvan	3	...	...	...	...	
124	Bheeman Muduvan	3	..	...		..	
125	Manayan Muduvan	3	...	...	...	...	
126	Kurusamy Muduvan	3	...	...	...	...	
127	Sevanthan Muduvan	3	...	...	...	...	
128	Karuthanan Muduvan	3	...	...	...	..	
129	Chelamoaran Muduvan	3	...	...	...	...	
130	Mannavan	3	...	..	...	...	
131	Nallathampi	3	...	...	..	.	
132	Vellasamy Muduvan	3	...	...	...	...	
133	Chadayappan	3	...	...	..	...	
134	Suppayan	3	...	...	...	...	
135	Pandiyan	3	...	...	...	...	
136	Suppayan Muduvan	3	...	...	...	...	
137	Chelampan	3	...	...	...	...	
138	Sarman	3	...	...	...	...	
139	Visman Muduvan	3	...	...	...	...	
140	Chanthappa Muduvan	3	...	...	...	...	
141	Suppaya Muduvan	3	...	...	...	...	
142	Allimutha Muduvan	3	...	...	...	...	
143	Ankappan Muduvan	3	...	...	...	...	
144	Chinnappan Muduvan	3	...	...	...	...	
145	Pappu Muduvan	3	...	...	..	...	
146	Vyndan Muduvan	3	...	...	...	...	
147	Muthappan	3	..	...		...	
148	Sankan Muduvan	3	...	...	...	...	
149	Karuppanan	3	...	...	...	...	
150	Thesi	3	...	...	...	...	
151	Ponnusvamy	3	...	...	...	...	
152	Ananchi	3	...	...	..	...	
153	Muthusvami Muduvan	3	...	...	...	...	
154	Kanahkan	3	...	...	...	...	
155	Veerabhadran	3	...	...	...	...	
156	Vellasuppayan	3	...	...	...	...	

APPENDIX I—(*contd.*)

Serial No.	Name of applicant.	Area.		Initial deposit.			Remarks.
		Acre.	Cent.	Rs.	ch	c.	
157	N. Chandrasekharan Nair	4	...	20	10	0	
158	Maruthappan Muduvan	3	...	...	...	...	
159	Vellasvamy Muduvan	3	...	...	...	...	
160	Chockayan Muduvan	3	...	...	...	...	
161	Alagiri Muduvan	3	...	...	...	...	
162	Kurusamy Muduvan	3	...	...	...	...	
163	Palandy Muduvan	3	...	...	...	...	
164	Kassian Muduvan	3	...	...	...	...	
165	Kumaran Muduvan	3	...	...	...	...	
166	Vasavannan	3	...	...	...	...	
167	Cholan Muduvan	3	...	...	...	...	
168	Vellasamy Muduvan	3	...	...	...	...	
169	Allimuthu	3	...	...	...	...	
170	Sankaran Muduvan	3	...	...	...	...	
171	Poosary Muduvan	3	...	...	...	...	
172	Ramasvamy	3	...	...	...	...	
173	Elasan Muduvan	3	...	...	...	...	
174	Raman Muduvan	3	...	...	...	...	
175	Veerappan Muduvan	3	...	...	...	...	
176	Kuppusvamy Muduvan	3	...	...	...	...	
177	Thimmen Muduvan	3	...	...	...	...	
178	Kumaran Muduvan	3	...	...	...	...	
179	Muthusvamy Muduvan	3	...	...	...	...	
180	Chemban Muduvan	3	...	...	...	...	
181	Sooryan Muduvan	3	...	...	...	...	
182	Kuppusvamy Muduvan	3	...	...	...	...	
183	Veerappan Muduvan	3	...	...	...	...	
184	Thirumani Muduvan	3	...	...	...	...	
185	Karuthan	3	...	...	...	...	
186	Pily Varughese	5	...	25	12	8	
187	K. P. Krishna Menon	60	...	305	10	0	
188	C. Rocha	2	...	10	5	0	
189	Varkey Pilo	3	...	15	7	8	
190	Pily Mariam	3	...	15	7	8	
191	P. S. Pyli	3	...	15	7	8	
192	P. I. Varughese	20	...	101	22	0	
193	V. N. Raman Pillai	100	...	508	26	0	
	Total	3,958	...	16,937	4	0	

Appendix II.

***Vide* Answer to Question No. 305.**

List showing details of pendency of applications for Cardamom lands.

Serial No.	Particulars.	No. of applications.	Area Acre.
1	Applications pending receipt of final orders of Government as to whether the tree list has to be prepared ...	39	1269
2	Pending survey of the land by the survey party ...	11	525
3	Pending in *Pakuthi* for the preparation and submission of A form statement as there is encroachment on the land ...	1	50
4	Pending in Taluk for the appearance of the party to record his statement as to whether he is a born subject of His Highness the Maharaja ...	1	50
5	Pending in *Pakuthi* for the preparation of sketches and mahazars ...	119	423
6	Pending in *Pakuthi* for publication of notice issued under section 6 of the Cardamom Rules ...	1	3
7	Pending local inspection ...	2	64
8	Pending in Taluk ...	3	106
9	Pending receipt of application in the form prescribed in the Rules ...	1	6
	Total ...	178	2496

NOTICE OF ADJOURNMENT MOTIONS.

PRESIDENT: As I said yesterday, there are two adjournment motions yet to be disposed of. One of them is from Mr. N. E. Varughese. It reads as follows:—

"I beg leave to move that the business of the House be adjourned to discuss a definite matter of urgent public importance *viz.*, the apprehension in the minds of agricultural debtors and the dislocation and suspense of business transactions in the country, owing to the great and indefinite delay taken by the Government in setting up the Conciliation Boards as provided in the Travancore Agriculturists' Relief Regulation of 1112".

If the honourable member wishes to go on with this motion it will be taken up at 3-30 P. M. today.

There is another adjournment motion in the name of Mr. Elenkath. It reads thus:—

"I beg leave to move that the business of the House be now adjourned to discuss a definite matter of urgent public importance namely the anxiety caused to the public by the recent press note published by the Chief Engineer regarding the unsatisfactory nature of the ground and sub-soil where the present Pallivasal Power House is located and the consequent decision on the part of the Government to build a power house on a more convenient site on the banks of the Muthirampuzha river thereby causing huge additional expenditure to the State and obvious delay in supplying power for the use of the public."

This motion will be taken up at 3-30 p. m. tomorrow.

LEGISLATIVE BUSINESS.

THE TRAVANCORE BAR COUNCIL BILL.—(*contd.*)

Clause 9.—(*contd.*)

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The amendment that was moved yesterday reads thus:

In Clause 9, add the following as sub-clause (4):

"Notwithstanding anything contained in this Section or in any other provision of this Regulation, until the first rules under this Section come into force, the High Court shall have power to admit as advocates persons who in the opinion of the High Court, are duly qualified for the same".

The idea underlying this amendment is that until it becomes possible to admit advocates by the instrumentality of the Bar Council, it should be possible for the High Court to admit advocates so that there may not be any interregnum as it were during which it may not be possible under the Bill as it is, for the Bar Council or for the High Court, to admit practitioners. I may say Sir, that there is no room for any such apprehension, having regard to the provisions of the present Bill. Even though some amendments to the Vakils' Regulation of 1075 are proposed in the present Bill, those amendments will come into operation only after sometime; and until then the High Court will continue to enrol High Court Vakils under the provisions of the existing Vakils' Regulation. The amendments to the Vakils' Regulation proposed by the Bill, if given effect to, will not permit the High Court to enrol any vakil to practise in the High Court but those amendments will come into operation only after some time. Clause 20 says:—

[MR. Kayalam Paramesvaran Pillai.]

"When Sections 8 to 16 come into force, the enactments mentioned in the first column of the Schedule shall be amended to the extent and in the manner specified in the second column of the Schedule".

So, the amendments to the Vakils' Regulation will come into operation only when Clauses 8 to 16 come into force. Clause 8 says:—

"No person shall be entitled as of right to practise in the High Court or in any of the Courts subordinate thereto unless his name is entered in the roll of advocates maintained under this Regulation".

It is only after this Bill comes into operation, and when Clauses 8 to 16 are brought into operation that the High Court will cease to have power to enrol any person as vakil either in the High Court or in the subordinate courts. In other words, until the provisions of the Bar Council Bill become fully operative, the High Court will retain the power to enrol vakils. Therefore there is no need for any apprehension that for some time there would be no authority to admit qualified persons as practitioners. In this view, the present amendment is not necessary.

Let me also say that the amendment as it stands proposes to give the High Court power to enrol that class of persons known as "advocates," who will come into existence only when Clause 8 and other Clauses come into operation. It will not be possible either for the High Court or for any authority to enrol any *advocate* until the provisions of this Bill come into operation. In this view the amendment is also objectionable.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether the rules to be framed under Clause 9 (2) are to come into effect on the date on which Clauses 8 to 16 are to come into effect?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is how the matter will be arranged, if found necessary to do so. On a previous occasion, when Mr. Asan moved another amendment I said that it will not be possible to bring all these provisions into operation together. We will see that the rules are put into operation only when Clause 8 is put into operation. The amendments to the Vakils' Regulation would come into operation only when Clauses 8 to 16 are brought into operation. Until then, the High Court *will* retain the power to enrol vakils.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I do not press my amendment.

The question that Clause 9 do form part of the Bill was put to the vote of the House and carried.

The Clause was added to the Bill.

Clauses 10 to 20.

The question that Clauses 10 to 20 do form part of the Bill was put to vote and carried.

The Clauses were added to the Bill.

Schedule.

The question that the Schedule do form part of the Bill was put to vote and carried.

The Schedule was added to the Bill.

Preamble.

The question that the Preamble do form part of the Bill was put to vote and carried.

The Preamble was added to the Bill.

Title.

The question that the Title do form part of the Bill was put to vote and carried.

The Title was added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I may now proceed to the third reading of the Bill. But I have some amendments to move. The amendments are being type written so that honourble members may have each a copy. The amendments are purely formal. But it may require some attention as regards the wording. Perhaps you may adjourn the House for an hour, Sir.

PRESIDENT: It is rather unlike the usual alertness of the Law Member. The better plan would be to take them up after lunch.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Mr. Varughese may move his adjournment motion now.

PRESIDENT: It is for Mr. Varughese and the House to decide. I am entirely in the hands of the House. I am prepared to adjourn the House and meet at 1 O' Clock and then finish the discussion on the Bar Council Bill; or, in the alternative, Mr. Varughese can start his motion now.

MR. M. SIVATANU PILLAI (*Tovala*): I suppose he will move the motion now.

PRESIDENT: Presumably, it is for Mr. Varughese to say that. (*Laughter.*)

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): If the motion for adjournment of the House is carried, what shall we do?

PRESIDENT: The House will adjourn.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): We shall not meet again.

PRESIDENT: I know that.

MR. N. E. VARUGHESE (*Tiruvalla I*): I shall move it only at 3-30 P. M., Sir.

PRESIDENT We shall now adjourn and meet again at half-past one. It will give us sufficient time to go on with the adjournment motion.

The House adjourned at 11·24 A. M., and met again at 1·30 P. M. with the President in the Chair.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In proceeding to the third reading of the Travancore Bar Council Bill, I shall move the following amendments which are purely formal.

I beg to move that:—

In Clause 1, sub-clause (iii) line 1, after the word "on", the expression "the 1st day of Chingam 1113 M. E." be inserted.

This is intended to fix the date on which the Regulation or rather the Sections referred to therein should come into force.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I second it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know why the learned Law Member has put "M. E." in this Regulation alone?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): To make it quite clear. to show that it is the Malayalam Era, that is intended.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know why it is not put in any other Regulation?

PRESIDENT: Is there any objection on the ground of want of uniformity, Law Member?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No serious objection, Sir.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I also have no objection, Sir.

The amendment was put to the vote of the House and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that:—

In clause 8, sub-clause (1) after the first proviso the following be inserted as the second proviso:—

"Provided further that any person who is enrolled as a vakil of any District Court under the provisions of any rules made under Section 9, sub-section (3), shall be entitled to practise as vakil as if he had been admitted as a vakil of that court under the Vakils Regulation 1075 and shall be subject to the provisions of that Regulation."

Sub-section (1) of this Section lays down that:—

"No person shall be entitled as of right to practise in the High Court or in any of the courts subordinate thereto unless his name is entered in the roll of advocates maintained under this Regulation."

These advocates alone can practise in the High Court and in the subordinate courts. This amendment proposes that first grade pleaders also may practise subject to certain restrictions.

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I second it.

The amendment was put to the vote of the House and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that:—

In Clause 8, sub-clause (2), Proviso, lines 4 and 5, the words "from time to time by Our Government by Notification in Our Government Gazette" be omitted.

During the second reading of the Bill, it was pointed out that the rules proposed to be made under this measure will be published by the Bar Council and not by Government. Somehow or other by a slip, those words now sought to be omitted crept in there; and I now move for their omission.

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I second it.

The amendment was put to the vote of the House and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I beg to move the following amendment :

In Clause 9, sub-clause (3), substitute the following for sub-clause (3) :

"Such Rules shall, notwithstanding anything contained above in this Section, provide also for those second grade pleaders who are vakils of any District Munsiff's Court in Travancore on the 1st day of Chingam 1113 M. E. and continue to be such being qualified to apply for enrolment as vakil of any District Court as the result of an examination held from time to time (for which a fee may be charged) by or under the supervision of the Council and for the persons so qualified being enrolled as vakil of any District Court, and certificates of enrolment granted, by the High Court, on payment of the stamp duty, if any, chargeable under the Travancore Stamp Regulation.

Provided that nothing in the rules shall limit or in any way affect the powers of the High Court to refuse enrolment to any person at its discretion".

This amendment is intended to carry out fully and with formal correctness, the provision, adopted yesterday, to enable second grade pleaders to be enrolled as District Court Vakils, after examination by the Bar Council. The main change brought in here is that in order that a person may be examined by the Bar Council, he must be a vakil on 1-1-1113. He must not have ceased to be a vakil before that date ; he must also continue to be a vakil after that date. If he happens to be dismissed or debarred, he should not be entitled to sit for the examination for the reason that he was a vakil on 1-1-1113. Secondly, he is to be enrolled only by the High Court ; the Bar Council will only examine him and recommend his name to the High Court. There is provision also for a certificate of enrolment being granted by the High Court and for the realisation of the prescribed stamp duty.

Clause 9 (1) says—

"The Council may with the previous sanction of the High Court make rules to regulate the admission of persons as advocates provided that such rules shall not limit or in any way affect the powers of the High Court to refuse admission to any person at its discretion".

That power of the High Court which is recognised in the case of advocates, is also sought to be extended to the enrolment of vakils under this provision.

MR. S. J. NAIR (*Nedumangad*) : With regard to the last sentence of the proviso *i. e.*, "provided that nothing in the rules shall limit or in any way affect the powers of the High Court to refuse enrolment to any person at its discretion", I have objection for including it.

PRESIDENT : In other words, the jurisdiction that the High Court has with regard to advocates, the honourable member is objecting to in the case of the second grade pleaders.

MR. S. J. NAIR (*Nedumangad*) : By the former amendment it is admitted that enrolment shall be granted by the High Court. That the High Court has jurisdiction over the second grade pleaders is very well recognised by the amendment, even without this proviso. By this I do not mean that the High Court's jurisdiction or control over the pleaders shall be negatived. On the other hand, what I submit is that this proviso is only superfluous and unnecessary, because it is evident from the former portion of this amendment that the second grade pleaders, who get qualified (by passing the examination) to be enrolled as District Court Vakils, will be granted certificates of enrolment only by the High Court, so much so, the power of the High Court, to grant these certificates of enrolment is recognised. Such being the case, there is no necessity for this proviso.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is the member suggesting that words to the effect "for the persons so qualified being enrolled as vakils of any District Court, by the High Court at their discretion" may be put in ?

MR. S. J. NAIR (*Nedumangad*) : That is not necessary. The Law Member has just now pointed out that, in Clause 9, with reference to the enrolment of advocates, there is jurisdiction vested in the High Court. Such jurisdiction *is* necessary since the advocates are to practise before the High Court. But, the pleaders are not permitted to appear before the High Court. They are permitted to practise only in the District Courts. So, why should the High Court be vested with the power of granting or refusing certificates to the pleaders ?

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Has the member any objection for the words "District Courts" being substituted for the words "High Court"?

MR. S. J. NAIR (*Nedumangad*) : The District Courts are under the High Court.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*) : Mr. S. J. Nair stated before the House that, while he was prepared to recognise certain powers of discretion being vested with the High Court with regard to the enrolment of advocates, since they were to practise before the High Court, for the reason that pleaders even after passing the proposed examination, are to appear only before District Courts, he was not prepared to give the same powers to the High Court with regard to pleaders. I am sorry, that miliates against the point which I want to raise. Therefore I shall rest my case independently of Mr. S. J. Nair's reasoning. With regard to the advocates who practise in the High Court, and with regard to the admission of pleaders to practise in the District Courts, there is this point of difference. It is nobody's case that the High Court has refused to recognise the competence of advocates, and there has been no suggestion at any time by the High Court that their numbers should be restricted. On the other hand, for years, the High Court has been setting

its face against these second grade pleaders. The class in the Law College for them has been abolished. The High Court has been expressing themselves very forcibly on that question. Therefore when this provision finds a place in the statute, it will surely set a premium on the inclination of the High Court, an inclination which has been made manifest by them. No doubt, the provision only says that nothing in the rules shall limit or in any way affect the powers of the High Court to refuse enrolment to any person at its discretion. From "any person" it may in due time change to "any class of persons".

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Is it the opinion of the member that the High Court may go against the clear statutory provisions made in this Regulation?

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum Urban*): What the High Court is going to do, I do not know. But it is our business to see that the benefit that the second grade pleaders are now getting should not be whittled down by any kind of restriction. If for any proper reason the High Court declines to give *sanad* to a District Court Vakil, we must recognise their right to do so. But here it is broadly stated as a further proviso that nothing shall affect the powers of the High Court. Considering the attitude evinced by the High Court and considering the opinion expressed in certain quarters, in spite of the statutory provision in favour of the second grade pleaders, this proviso may prove deterimental to their interests. That is my fear. With these words, I support the amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I wish to say a few words on the motion before the House. I am surprised that the Deputy President has taken the view that the High Court will go against the clear provisions of the statute on account of their alleged inclinations against the pleaders. Sir, for my part, I am not able to reconcile myself to the opinion of the Deputy President that the High Court has any such prejudice against any such persons or class of persons. The only thing that is provided in this amendment is that the High Court should have the power, which they have in regard to the advocates, in respect of these pleaders also. I do not think that there can be any objection to that. Mr. S. J. Nair's contention is that the particular court in which a pleader practises should alone exercise disciplinary control over him. That suggestion is preposterous. The High Court has got disciplinary jurisdiction over all the subordinate courts. Under these circumstances, I am not in sympathy with this objection raised against the amendment.

The amendment was put to the vote of the House and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to move that:

In the list of the amendments to the Travancore Stamp Regulation (Regulation IV of 1080) shown in the Schedule, in line 1: the brackets and figure '1' be omitted.

This is only to correct a clerical error.

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I second it.

The amendment was put to the vote of the House and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to move that:

In the said list of amendments, lines 7 to 13, for clauses (ii) *and* (iii) *substitute the following namely :—*

" (ii) *for the words " High Court " occurring in Clause* (a) *in the first column the words " As advocate under the Travancore Bar Council Regulation " shall be substituted and for the words " District Court " occurring in Clause* (b) *in the first column, the words " As Vakil of any District Court under the Travancore Bar Council Regulation " shall be substituted and*

" (iii) *Clauses* (c), (d) *and* (e) *(both the columns) shall be deleted "*.

Sir, the amendments relate to Article 30 of the Stamp Regulations Under that Article, the Stamp Duty for enrolment of the four classes of vakils, namely the High Court Vakils, the District Court Vakils, the Munsiffs' Court Vakils and the Magistrates' Courts Vakils, is laid down. When this Bill was originally drafted it was the idea to abolish all classes of vakils except advocates. By reason of the Clause adopted yesterday, hereafter there may be District Court Vakils also to be enrolled. When such enrolment takes place, there must be some stamp duty. It is for this purpose, that these amendments are proposed.

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I second it.

The amendment was put to vote and carried.

The motion that the Bill as amended be passed was then made and put to the vote of the House and carried.

ADJOURNMENT MOTION.

DELAY IN SETTING UP DEBT CONCILIATION BOARDS.

PRESIDENT: The rule says that, ordinarily, adjournment motions should be taken up for consideration at 3-30 P. M. But if the honourable members prefer not to wait till then, I think there is no objection to consider the motion. I should like to know what Mr. Varughese has to say.

MR. N. E. VARUGHESE (*Tiruvalla I*): Sir, I wish it to be immediately taken up.

Before I move the motion I wish to make a statement. I have been authoritatively informed...... ...

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I rise to a point of order. Yesterday, Mr. Varughese wanted special permission to speak in Malayalam. I think the member should talk in one language, Malayalam or English.

PRESIDENT: The rule says that " The business of the Legislature shall be transacted in English, provided that the President may permit any member to address the Chamber in Malayalam or Tamil." The

rule as it is worded, enables permission *ad hoc* to be given; for instance a person may feel diffidence on a particular occasion about his getting the particular type of eloquence he would like to have then, and may prefer to change the language of his speech; and the President can permit it. Mr. Varughese may therefore proceed in any language that suits his convenience for the time being.

MR. N. E. VARUGHESE (*Tiruvalla I*): Sir, I have been authoritatively informed that early action is contemplated by Government in setting up the Boards and that the delay is due to the negotiations that are being carried on with certain Banks for the purpose of financing the Land Mortgage Bank which is expected to help the debtors to discharge the conciliated debts.

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I rise to a point of order, Sir. The honourable member is reading.

PRESIDENT: The honourable member is refreshing his memory by referring to his notes. (*Laughter.*)

MR. N. E. VARUGHESE (*Tiruvalla I*): As I think that an open discussion of the motion may prejudice the progress of the negotiations, I do not wish to make the motion.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): When is it expected that the Boards will be set up, according to the member's information?

MR. N. E. VARUGHESE (*Tiruvalla I*): I am assured that early action is contemplated and I am satisfied with that.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Is there any assurance that the Boards will be set up?

MR. N. E. VARUGHESE (*Tiruvalla I*): I am most authoritatively informed that steps *are* being taken to set up the Boards as early as possible.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I wish to know whether there is any objection in the Government spokesman making a statement.

PRESIDENT: I suppose it is not the suggestion on the part of any honourable member that the Government want to circumvent a Statute enacted by the Legislature.

THE PALLIVASAL POWER HOUSE.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Sir, may I suggest the desirability of taking up the other adjournment motion also today, so that we may have more time for nonofficial business?

PRESIDENT: Honourable members are anxious to do some business. What does Mr. Elenkath say?

MR. K. R. ELENKATH (*Kalkulam I*): I am willing to have it taken up to day.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Can it be taken up in the absence of Mr. K P. Padmanabha Menon, the Electrical Engineer, and the Chief Engineer?

PRESIDENT: I leave it to the House.

SADASYATILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): Sir several members on this side of the House are also not here. They were told that this motion will be taken up only tomorrow. They may be interested in the discussion.

As the majority seemed to have no objection, the motion was taken up for discussion.

MR. K. R. ELENKATH (*Kalkulam I*): Sir, before making the motion I should like to say that there is very serious apprehension at the circumstances that necessitated Government to shift the site of the Pallivasal Power House. I should think that the Government have considered it seriously and that they have, after weighing the question, decided that it will be advantageous, in the interests of the State as well as the utility to the public, to do so. I have been informed from a very responsible source.........

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): On a point of order. Sir, we have not been supplied with a copy of the adjournment motion.

PRESIDENT: I read it out this morning; I will read it again.

"I beg leave to move that the business of the House be now adjourned to discuss definite matter of urgent public importance, namely the anxiety caused to the public by the recent Press Note published by the Chief Engineer regarding the unsatisfactory nature of the ground and sub-soil where the present Pallivasal Power House is located and the consequent decision on the part of the Government to build a Power House on a more convenient site on the banks of the Muthirampuzha river, thereby causing huge additional expenditure to the State and obvious delay in supplying power for the use of the public."

MR. K. R. ELENKATH (*Kalkulam I*): On consultation with the authorities, I am convinced of the wisdom of the step taken by Government, and of the fact that, though additional expenditure will have to be incurred now, in the long run, it will enable the public to get the power at the earliest opportunity. I do not, therefore, propose to make the motion.

PRESIDENT: Let me be permitted just to mention a few matters relating to this motion; and as this is a subject of paramount importance, I do not wish to take advantage of the technical rules of debate. The honourable member has not made his motion, and it is open to me to say that no further discussion is possible. I wish to make certain things clear, because I believe that is necessary from the point of view of the paramount interests of the State and the great ventures which are dependent upon this project. It would be correct to state that there were certain unexpected features that developed with regard to the Power House after it was designed and constructed. Near the site of the Power House there is a hill on one side and a hill on the other, and there is a kind of ledge in between. The events of last year disclosed that, below the site of the Power House, there was evidently some material which was not absolutely solid rock but what may be termed a kind of jelly-like conglomerate composed of rock and some semi-liquid matter. This could not be foreseen by ordinary means, because all round it is rock; and borings up to a depth of about 60 feet in the region near the Muthirapuzha river disclosed that there was

solid rock all round near the new site. Curiously enough, perhaps owing to some kind of "fault" in the formation of the rock, underneath the Power House site, there seems to be this semi-solid sub-soil. The result is that the experience of the last monsoon made evident very minute cracks, visible not far from the actual location of the Power House. It was at that time not considered that this would very seriously prejudice the work. But further cracks have appeared in the last few weeks and opinion has been taken on this matter. Expert opinion is to the effect that with the expenditure of a considerable sum of money nearly equal to or perhaps even exceeding the amount necessary for the construction of a new Power House, we may be able to render more secure the foundation, by such processes as grouting but even this scheme was not regarded as 100 per cent. efficacious. After most careful and anxious consideration Government arrived at the following conclusion. The amount involved in this whole scheme exceeds a crore of rupees. A considerable portion of that amount had been either spent or will shortly be spent on the various sub-stations, transmission lines, electrical apparatus, pen-stock, generating sets and so forth. The Power House is after all a comparatively insignificant factor from the point of view of cost, though an important one from other points of view. The Power House is merely a shed. But in that shed is located very heavy machinery, machinery weighing tons upon tons. The shed itself is of very little value. But the foundations have to be laid in order to bear the whole of the weight of the machinery which has to encounter many stresses and strains, and has therefore to be quite stable on its base. If the foundations are laid on shifting sub-soil the machinery will crack; the subterranean forces may become so great that no machinery can stand the strain. In fact, the very weight of the machinery will add to the danger. Therefore it will be a policy characterisable as penny-wise and pound-foolish if, in order to save extra expenditure on a new Power House, we insist on keeping the whole of the generating plant there. It may be that next year the process of cracking may not happen. But the year after it may happen, and the machinery may crack. Then Government will have to purchase fresh machinery costing 30 or 40 lakhs of rupees. Therefore Government came to the conclusion that the Power House should be located in a site about which there can be no possible suspicion as they do not desire to take any chances. Such a site is fortunately available very near at hand.

There is another aspect. Suppose there is no difficulty immediately, and we go on. Suppose various ventures are started and are promised power. If, in the course of the working of the scheme, any crack develops, we may have to stop the working of the whole machinery. That means that we shall not be able to supply power to the various concerns; and the Sassoons or some other concern will say that they lose so much every day for want of power and that we must pay damages. We may have to pay heavy compensation. In order to avoid all these risks it has been considered essential and expedient that a site should be chosen where the foundations will be so

[President.]

secure that nothing short of a cataclysm—if there is an earthquake nobody can help it—will produce an interruption in the supply of power. For that purpose borings have been taken so that the foundations may be laid on solid rock fifty or sixty feet deep underneath the Power House. Fortunately we are getting a suitable site within about 120 yards of the present house on the banks of the river. It is part of the rocky formation on the bank of the river.

I want to take this House into full confidence. This is not a small matter. The name of His Highness is on the Power House. But the reasons for shifting the location of the Power House are so great that we came to the conclusion notwithstanding this circumstance. It may be that in the result we may have to lose two or three lakhs of rupees. It is certainly not more but it is much better to spend two or three lakhs now rather than incur terrible responsibility in the future and incur much greater loss later in all probability.

I may say in addition that while no doubt on the one side Government may have to sustain this loss on the Power House, on account of the very prudent advice for which I cannot sufficiently praise the Electrical Engineer we are gainers on account of our contract for the purchase of copper. Orders for copper on a large scale were placed when it was selling at Rs. 40, so that when the price of copper has risen up now on account of the war scare, we are making fifty per cent. profit on every ounce we have ordered. We have gained over three lakhs of rupees on account of the wise advice of the Electrical Engineer. Thus in apportioning blame we must remember that while officers may commit some mistakes under circumstances beyond their contemplation, they are doing their best for Government according to their lights. Government will stand by their officers so long as they are loyal and straight and put forth their best efforts. At the same time they cannot afford to take risks. Government have entered into arrangements with various industrial concerns, and they are bound and are prepared, to carry them out somehow. Even if we have to work for twenty-four hours a day in order to see that power is supplied in proper time so as not to jeopardise our industrial schemes, Government will arrange for this being done and will see that power is supplied according to contract. I do not wish to say any thing more but wish to assure the House that Government are acting in this matter with a full sense of their great responsibility. (*Cheers.*)

The House adjourned at 2-7 P. M.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Mulam Assembly.

PROCEEDINGS

OF

THE TRAVANCORE SRI MULAM ASSEMBLY.

(*OFFICIAL REPORT*)

FIRST ASSEMBLY.

NINTH SESSION.

Friday the 26th February 1937/15th Kumbham 1112.

The Assembly met again in the Victoria Jubilee Town Hall at Eleven of the Clock, with the President in the Chair.

NEW MEMBERS SWORN IN.

The following members took the oath and signed the rolls.

1. Mr. C. Kumara Das.
2. Mr. K. R. Narayana Aiyar.

QUESTIONS AND ANSWERS.

Registry of land to Depressed Classes.

817. * MR. R. SIVARAMAN NAIR (*Tiruvalla II*): Will the Government be pleased to state:

(*a*) the number of acres of land registered to depressed classes in the whole State in 1111; and

(*b*) when such lands have been registered?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

(*a*) 50·73 acres.

(*b*) A * statement furnishing the information is laid on the table.

Sewing Mistress for the Sirkar Primary School at Mezhuveli.

818. * MR. E. K. KUNJURAMAN (*Nominated*): Will the Government be pleased to state:

(*a*) whether they have received any petition from the inhabitants of Mezhuveli concerning the supreme necessity of appointing a sewing mistress in the Sirkar Primary School there;

(*b*) if so, the date of the petition or petitions and the action they have taken thereon, and the stage in which the question is now; and

(*c*) whether they will be pleased to place on the table a statement showing the number of girl pupils, along with the total number of pupils of either sexes who have been studying in that school in each of the years from 1107-1112?

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* *Vide* Appendix I—page. 976.

G. P. T. 2567. 350. 8-10-1112.

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*).

(*a*) No.

(*b*) Does not arise.

(*c*) *A statement furnishing the information is placed on the table.

MR. E. K. KUNJURAMAN (*Nominated*) : മെഴുവേലി സക്കാർ പ്രൈമറിസ്കൂളിലേയ്ക്കു ഒരു തയ്യൽമിസ്ട്രസ്സിനെ അനുവദിച്ചുതരുവാൻ ഗവണ്മെന്റിനു ദയാദൃഷ്ടിയുണ്ടാകുമോ?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*) : It is entirely a matter of funds. One of the chronic afflictions of the Education Department has been want of funds. When funds are available, the matter will be considered.

Elective Lecturers in the Law College.

319. ***MR. R. SIVARAMAN NAIR** (*Tiruvalla II*): Will the Government be pleased to state:

(*a*) whether service as an Elective Lecturer in His Highness the Maharaja's College of Law is pensionable;

(*b*) whether it is added on to the pensionable service of one who gets into pensionable service after the period of his lecturership;

(*c*) the number of cases, if any, in which the period of lecturership in the Law College was added on to one's pensionable service at the time when pension was allowed ; and

(*d*) the number of cases, if any, in which the period of lecturership in the Law College was not added on to one's pensionable service at the time when pension was allowed ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : (*a*) and (*b*) No.

(*c*) and (*d*) Government do not propose to call for the information as the time and labour involved in the preparation of the answer is out of all proportion to its possible utility.

Preparation of the Electoral Rolls.

320. ***MR. S. J. NAIR** (*Nedumangad*) : Will the Government be pleased to state :

(*a*) whether they have issued any G. O. to the effect that all the *Pokkuvaravu* cases should be completed and made up-to-date, for the preparation of voters' list for the coming elections so that all the persons who pay rupee one and above as tax in their name be included in the voters' list ;

(*b*) with reference to Nedumangad and Chirayinkil taluks, will they be pleased to state the number of partition deeds executed between 1101 and 1111 M. E., respectively;

(*c*) whether under all the above partition deeds *Pokkuvaravu* was conducted ; and

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* Vide Appendix II—page 977.

(*d*) whether they are aware that several cases of *Pokkuvaravu* from 1101 to 1111 were struck off the file of the Taluk Cutcherries between 1101 and 1111 and those cases are not refiled and disposed of legally and properly under the present G. O.?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) Government have ordered that all *Pokkuvaravu* cases arising out of transfer of property registered on or before the last day of Karkatakam 1111 and all cases arising out of transfers of immovable property due to succession under Rule 11 of the *Pokkuvaravu* Rules on account of the death of the *thandaper* holders taking place before the end of Karkatakam 1111 should be disposed of and taken into account for the preparation of the voters' list.

(*b*) 12,712.

(*c*) Information is not available.

(*d*) The G. O. does not contemplate the refiling of all cases that were struck off the file from the years 1101 to 1111.

MR. S. J. NAIR (*Nedumangad*): May I know from Government whether, out of the cases of partition deeds referred to in question (b), there are cases in which *pokkuvaravu* has not been conducted ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The instructions are that *pokkuvaravu* cases taken on the file must all be disposed of before Thulam 1112 and I believe all such cases have been disposed of.

MR. S. J. NAIR (*Nedumangad*) : Then may I know why it is answered, to part (c) of the question, that the information is not available ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : There may be some cases which have not been taken up on the file.

MR. S. J. NAIR (*Nedumangad*) : May I know whether among cases taken on the file there are instances in which *pokkuvaravu* has not been conducted ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : There may be instances in which cases taken on the file might have been disposed of without conducting *Pokkuvaravu* owing to defects in the applications or other causes.

MR. S. J. NAIR (*Nedumangad*) : May I know how many cases there are under that category ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : I claim notice.

Uzhamalakal Pakuthi Cutcherry in Nedumangad taluk.

821. * **MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state :

(*a*) whether they are aware that the Uzhamalakal Pakuthi Cutcherry in Nedumangad taluk is situated not in the centre of the *pakuthi* but by the side of the Vellanadu pakuthi and very near the Arianadu Pakuthi Cutcherry ;

[Mr. S. J. Nair.]

(b) whether there was any proposal to shift the Pakuthi Cutcherry from its present site;

(c) whether any site has been selected for the purpose;

(d) when was the site selected;

(e) whether any building has been constructed there; and

(f) what is the delay for shifting the Pakuthi Cutcherry?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

(a) Yes.

(b) No.

(c) No.

(d), (e) & (f) These do not arise in view of the answer given above.

MR. S. J. NAIR (*Nedumangad*): With reference to the answer to part (a) of the question may I know whether the people of Uzhamalakal pakuthy find it difficult to pay taxes due to the distance of the Pakuthy Cutcherry from their place?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): It is true that there is some distance.

MR. S. J. NAIR (*Nedumangad*): May I know whether the people of the locality have given a representation to Government requesting them to shift the Pakuthy Cutcherry to Vidura side?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I am not aware.

MR. S. J. NAIR (*Nedumangad*): I know that the people have submitted a representation to that effect to Government. Will the member be pleased to look into the matter and see that the request of the people is given effect to?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): The matter will be considered.

The Rubber Factory.

322. *MR. T. K. ALEXANDER (*Kunnatnad I*): Will the Government be pleased to state:

(a) the value of goods produced in the Rubber Factory up to 1-2-1112; and

(b) the value of goods sold out till 1-2-1112?

MR. C. KUMARA DAS (*Director of Industries*): (a) Rs. 22,400.

(b) Rs. 15,500.

MR. K. R. ELENKATH (*Kalkulam I*): May I know the proportion of the goods produced in the Rubber Factory to that sold outside the State?

MR. C KUMARA DAS (*Director of Industries*): The major portion was sold outside the State.

MR. K. R. ELENKATH (*Kalkulam I*): Was there great demand for the same?

MR. C. KUMARA DAS (*Director of Industries*): Yes, Sir.

MR. K. P. KRISHNA MENON (*Parur*): May I know whether the contract entered into with the South Indian Corporation has been fulfilled by Government?

MR. C. KUMARA DAS (*Director of Industries*): It is being fulfilled.

MR. K. P. KRISHNA MENON (*Parur*): May I know the period of the contract?

MR. C. KUMARA DAS (*Director of Industries*): One year from June last.

Payment of Excise Revenue to the Edapalli and other Chiefs.

323. *****MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) whether any amount is being paid per annum to the Chiefs of Edapalli, Poonjar and Kilimanoor by way of or in substitution for excise revenue, and the amount, if any, so paid to each; and

(*b*) the principle underlying in or the reason for such payment?

MR. C. O. MADHAVAN (*Excise Commissioner*): (*a*) A *statement giving the required information is laid on the table.

(*b*) The payments are made purely as a matter of grace.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the Government the reasons that weighed with them for making these payments to the respective chiefs, as against the practice in previous years?

MR. C. O. MADHAVAN (*Excise Commissioner*): No special reason can be assigned for that; it was done purely as a matter of grace.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know why the Government have departed from the practice followed in the previous years?

MR. C. O. MADHAVAN (*Excise Commissioner*): I have already answered that question. The territories belong to them. It is done purely as a matter of grace.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know why such payments are not made to the Vanjipuzha Chief in respect of tobacco and customs revenue?

MR. C. O. MADHAVAN (*Excise Commissioner*): I claim notice.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): When were these amounts fixed?

MR. C. O. MADHAVAN (*Excise Commissioner*): Several years ago. I find a reference dated 1908; and it was reconsidered in that year. So, the payment seems to have been made even before 1908.

Dispensing with the services of a Police Officer.

324. ***** **MR P. C. KURIYAN** (*Kottayam I*): Will the Government be pleased to state:

(*a*) whether the Commissioner of Police has recommended to Government that the services of any Police Officer should be dispensed with immediately;

(*b*) if so, the name and the grade of such officer; and

(*c*) the reasons which the Commissioner of Police has given for such recommendations?

*Vide Appendix III—page. 978.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): (*a*) No.

(*b*) and (*c*) These do not arise in view of the answer to part (*a*).

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether the services of any officer or officers of the department whose services were recommended to be dispensed with on a previous occasion, were dispensed with recently by Government?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Yes.

MR. K. R. ELENKATH (*Kalkulam I*): May I know the name of that officer?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): One Mr. Vaidyanatha Aiyar.

MR. K. R. ELENKATH (*Kalkulam I*): May I know for what reasons his services were dispensed with?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Habitual misconduct and misbehaviour.

Police officers.

325. ***MR. P. C. KURIYAN** (*Kottayam I*): Will the Government be pleased to state the number and names of Police officers whose conduct is being investigated by Government at present?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): The information required cannot be divulged in the public interests.

Unfit officers in the Police Department.

326. ***MR. P. C. KURIYAN** (*Kottayam I*): Will the Government be pleased to state:

(*a*) whether there is any officer in the Police Department who is physically and mentally unfit for the place he holds;

(*b*) whether it is a fact that a very responsible officer in the department has defective vision and memory; and

(*c*) whether it is a fact that a very responsible officer in the department does not possess the minimum physical dimensions necessary for service in the department?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): (*a*) No.

(*b*) No.

(*c*) One District Superintendent of Police is a little short of stature.

Police officer who is a religious head.

327. ***MR. P. C. KURIYAN** (*Kottayam I*): Will the Government be pleased to state whether there is any officer in the Police Department who is the head of any religious organisation either in Travancore or outside?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): No.

The Indian Rubber Licensing Committee.

328. ***MR. R. SIVARAMAN NAIR** (*Tiruvalla II*): Will the Government be pleased to state:

(*a*) the number of members constituting the Indian Rubber Licensing Committee;

(b) the number of them nominated by the Travancore Government; and

(c) the names of those nominated by the Travancore Government?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (a) Five.

(b) Two.

(c) Mr. K. I. Thomas
Mr. K. V. Mathew.

Nominations to Village Panchayat and Bench Magistrates' Courts.

329. *MR. P. C. KURIYAN (*Kottayam I*): Will the Government be pleased to state:

(a) the principle on which nominations to Panchayat Courts are made; and

(b) whether there is any minimum qualification fixed for Bench Magistrates and Panchayat Court Judges?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (a) Government take into consideration the educational qualifications, the social position and the character of the persons nominated.

(b) No.

MR. P. C. KURIYAN (*Kottayam I*): With reference to the answer to part (a) of the question, may I know whether these considerations weighed with the Government when nominations were made to the Village Panchayat Court at Kottayam?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes, Sir.

MR. P. C. KURIYAN (*Kottayam I*): If so, may I know, what are the educational qualifications, social position, and the character of one Mr. Bava who has been nominated Judge of that Court?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I claim notice.

Allowing insolvents to practise as Vakils.

330. *MR. K. P. KRISHNA MENON (*Parur*): Will the Government be pleased to state:

(a) whether insolvents are allowed to practise as vakils in the civil courts of Travancore; and

(b) if the answer to part (a) is in the negative, whether the Government are aware that Messrs. M. K. Govinda Pillai and V. Subrahmanya Aiyar practising in the Munsiff's Court at Vaikam are insolvents?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): (a) There is no rule that an insolvent should not be allowed to enrol or practise as a vakil in any court of Travancore.

(b) In view of answer to (a), this does not arise.

MR. K. P. KRISHNA MENON (*Parur*): May I know from Government whether vakils have not got to handle the money of the litigant public?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That will depend upon the nature of their profession.

The Titaghur Paper Mills.

331. *MR. K. P. KRISHNA MENON (*Parur*): Will the Government be pleased to state:

(*a*) the quantity of reeds supplied to the Titaghur Paper Mills, free of cost, for experimenting with a view to manufacture paper out of them;

(*b*) the additional expenditure the Government had to incur in order to induce them to conduct the needed experiment;

(*c*) whether they have received any samples of paper manufactured out of the reeds by the above company;

(*d*) whether they will be pleased to acquaint the members with the report submitted to them by the Titaghur Paper Mills Company as a result of their investigations into the problem of paper manufacture out of reeds; and

(*e*) the special reasons that prompt the Government to consider Alwaye as the site for founding a Paper Mill?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) 34 tons and 17 cwts of eetta.

The expenditure on account of the transport of the above quantity of eetta amounted to S. Rs. 2,143-12-10 of which the shipping freight of S. Rs. 540-27-12 was paid by the Company.

(*b*) Nil.

(*c*) Yes.

(*d*) The report submitted by the company is a long one. The result of the experiment is reported to be satisfactory and the paper produced is of good quality. The proposal of starting a Paper Mill at Alwaye by the Company has now been given up, and other schemes are being investigated.

(*e*) Alwaye is considered a suitable site for starting a Paper Mill for the following reasons:—

(1) Abundant supply of raw materials easily accessible and capable of meeting the demands of a mill for a number of years.

(2) Easy transport facilities from the forest by water to the place.

(3) Abundant supply of fuel for running the mill.

(4) Abundant supply of clear water.

(5) Labour facilities.

(6) Proximity to the Cochin Harbour and Railway Station.

Recommendations of the Protector for the uplift of the Depressed Classes.

332. *MR. T. T. KESAVAN SASTRI (*Nominated*): Will the Government be pleased to state whether any special recommendations have been made by the Protector of the Depressed Classes detailing the concessions to be granted by Government towards the uplift of the depressed classes?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes.

MR. T. T. KESAVAN SASTRI (*Nominated*): അധഃകൃതസംരക്ഷകൻ എങ്ങിനെയുള്ള ശുപാർശകളാണു് നടത്തിയിട്ടുള്ളതെന്നു പറയാമോ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): അവക്കു കോളനികൾ സ്ഥാപിച്ചുകൊടുക്കുക, ഭൂമി പതിച്ചുകൊടുക്കുക, പ്രാഥമിക വിദ്യാലയങ്ങൾ തുറക്കുക, ഉയന്ന വിദ്യാഭ്യാസത്തിനു ഭോത്തനം നൽകുക, ഹോസ്റ്റലിനു ഗ്രാൻറു് കൊടുക്കുക, ശ്മശാനസ്ഥലങ്ങൾ ഉണ്ടാക്കിക്കൊടുക്കുക, കിണറുകൾ കുഴിച്ചു് കുടിക്കുന്നതിനു വെള്ളമുണ്ടാക്കിക്കൊടുക്കുക, പൊതുസ്ഥാപനത്തിനു കെട്ടിടങ്ങളുണ്ടാക്കിക്കൊടുക്കുക. അധഃകൃതവിദ്യാത്ഥികൾക്കു ഉച്ചഭക്ഷണം, പുസ്തകങ്ങൾ മുതലായവ സൗജന്യമായി കൊടുക്കുക ഇങ്ങനെ പലതും ശുപാർശ ചെയ്തിട്ടുണ്ടു്.

MR. T. T. KESAVAN SASTRI (*Nominated*): ഈ ശുപാർശപ്രകാരം കോളനികൾ എവിടെയെങ്കിലും ഉണ്ടാക്കിയിട്ടുണ്ടോ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): ഉണ്ടു്.

MR. T.T. KESAVAN SASTRI (*Nominated*): എവിടെയെല്ലാമാണതു്?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): കഴക്കൂട്ടത്തും നരിക്കളത്തും ഓരോ കോളനികൾ തുറന്നിട്ടുണ്ടു്. ഇതിനുപുറമേ തിരുവനന്തപുരത്തു് അഞ്ചാമട പകുതിയിൽ ഒരു കോളനി തുറക്കാൻ ആവശ്യമുള്ള സ്ഥലം വിലക്കു വാങ്ങി വേണ്ട ഏർപ്പാടുകൾ ചെയ്തു വരുന്നുണ്ടു്.

MR. T. T. KESAVAN SASTRI (*Nominated*): ശ്മശാനങ്ങളുണ്ടാക്കിക്കൊടുക്കാനുള്ള ശുപാർശ ഇതുവരെയും അനുവദിച്ചിട്ടില്ല എന്നുള്ള സംഗതി ഗവൺമെൻറിൻെറ ദയാദൃഷ്ടിയിൽ പെട്ടിട്ടുണ്ടോ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): ഒന്നോ രണ്ടോ സ്ഥലത്തു് ശ്മശാനസ്ഥലമുണ്ടാക്കിക്കൊടുക്കണമെന്നും അതിനുവേണ്ട ഭൂമി വിലകൊടുത്തു വാങ്ങിക്കണമെന്നും ശുപാർശ വന്നിട്ടുണ്ടു്; അതു ഗവൺമെൻറിൻെറ ആലോചനയിലിരിക്കുകയാണു്.

Applications received by the Protector of the Depressed Classes from those having no lands for home-steads.

333. * **MR. T. T. KESAVAN SASTRI** (*Nominated*): Will the Government be pleased to state the number of applications received by the Protector of the Depressed Classes during the years, 1110, 1111 and 1112 from those who suffer hardships consequent on having no land of their own for home-steads?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) :

Applications received in	1110	259
Do.	1111	166
Do.	1112	314

Appendix I.

Vide Answer to Question No. 317.

Statement showing when the lands were registered to depressed classes.

		Acre.	*Cent.*
Chingam 1111	...	2	12
Kanni 1111	...	2	32
Tulam 1111	...	2	22
Vrischikam 1111	...	1	60
Dhanu 1111	...	4	11
Makaram 1111	...	2	8·500
Kumbham 1111	...	8	8
Meenam 1111	...	3	38
Medam 1111	.	7	29
Edavam 1111	...	2	68
Mithunam 1111	...	2	97
Karkatakam 1111	...	11	87,500
Total	...	50	73

Appendix II.

Vide Answer to Question No. 318.

Statement of pupils of Mezhuveli Primary School in each of the years from **1107—1112.**

Years.	IV		III		II		I		Total.	
	Boys	Girls.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.
1107	38	29	39	26	47	33	54	40	178	128
1108	40	21	43	21	54	41	67	44	204	127
1109	39	17	44	32	61	41	50	35	194	125
1110	41	29	54	43	52	24	46	45	193	141
1111	35	21	61	38	49	31	54	45	199	135
1112	34	19	59	37	50	32	59	52	202	140

Appendix III.

Vide Answer to Question No. 323.

Statement showing the amounts paid to the Chiefs of Edappalli, Poonjar and Kilimanoor every year.

I. *Edappalli.*

1. Rs. 57-14-4 on account of tobacco revenue.
2. Rs. 171-12-0 on account of customs revenue.
3. The *kist* collected from the contractors of arrack and toddy shops in the *Pakuthies* of Edappalli, Vazhacolam, Trikunnapuzha and Kalloopara on account of abkari revenue, which varies with the amount collected every year.
4. The sale proceeds of 1303 maunds and 24 seers of salt deducting therefrom the cost price of salt and the establishment and contingent charges on account of salt revenue.

A sum of Rs. 1,083-16-0 is deducted every year on account of subsidy for police protection.

II. *Poonjar.*

Rs. 71-12-0 on account of compensation in respect of abkari revenue.

III. *Kilimanoor.*

Rs. 77-9-8 on account of compensation in respect of abkari revenue.

Legislative Business.

THE TRAVANCORE HINDU WIDOWS' REMARRIAGE BILL.

SRIMATI T. NARAYANI AMMA (*Nominated*) : Sir, I beg to present the report of the Select Committee on the Travancore Hindu Widows' Remarriage Bill and move that the Bill as reported be taken up for consideration.

MR. K. R. ELENKATH (*Kalkulam I*) : I second it.

PRESIDENT : Moved and seconded that the Travancore Hindu Widows' Remarriage Bill be taken into consideration.

The motion was put to vote and carried.

Clause 1.

The question that Clause 1 do stand part of the Bill, was put to vote and carried.

The Clause was added to the Bill.

Clause 2.

MR. S. J. NAIR (*Nedumangad*) : Sir, I move the following amendment:—

"In Clause 2, line 3, add the words "man or" between the words "the" "and woman."

If this amendment is accepted Clause 2 would read thus:—

"Notwithstanding any custom and any interpretation of Hindu Law to the contrary, no marriage contracted between Hindus shall be invalid, and the issue of no such marriage shall be illegitimate, by reason of the man or woman having been previously married or betrothed to any other person who was dead at the time of such marriage."

The object of this Bill is to promote widow remarriage. If my amendment is accepted it would promote widow remarriage to a greater extent.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is this Widows' Remarriage or Widowers' Remarriage Bill.

MR. S. J. NAIR (*Nedumangad*): This is Widows' Remarriage Bill and we want to legalise the issues of such marriages. Suppose A who has already married B is prepared to remarry a widow also with the consent of his first wife. In such a case, the marriage should be legalised and the children born to such remarried widow should be protected. They should not suffer. I am sure if this amendment is accepted widow remarriage will be promoted to a very great extent.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Will the member please read out the Clause as sought to be amended by him.

PRESIDENT: He has done it.

MR. P. C. KURIYAN (*Kottayam I*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I object to this amendment. A mere hearing of Mr. S. J. Nair's grounds in support of his amendment is sufficient to carry with it its own condemnation.

The amendment was put to vote and lost.

The question that Clause 2 do form part of the Bill was put to vote and carried.

The Clause was added to the Bill.

Clauses 3 & 4.

The question that Clauses 3 and 4 do form part of the Bill was then put to vote and carried.

The Clauses were added to the Bill.

Clause 5.

MR. S. J. NAIR (*Nedumangad*): Sir, I move the following amendment:—

"*In Clause 5, line 4 omit the words that occur after the words "conferring upon her" and add the words "shall remain in force"*.

If the amendment is accepted, the Clause would read thus:—

"No right or interest which any widow may have in her deceased husband's property by way of maintenance or by inheritance to her husband or to his lineal successors, or by virtue of any will or testamentary disposition conferring upon her shall remain in force".

[Mr. S. J. Nair.]

The object of this amendment is to give equal status to widows who remarry with other ladies (non-widows) who marry and to give such widows the same property qualifications as the non-widow wives. No man earns property for the sake of strangers. The object of one's earning is to see that his wife and children enjoy them and not any distant relative. So, the rights over the property of the deceased husband must necessarily vest with the wife and her children. On the simple ground that a lady, after the death of her husband, marries another man, we shall not disqualify her from getting the property that was earned for her sake, as well as for her children.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I point out to Mr. S. J. Nair that the Clause as amended is defective in its wording "Conferring upon" will have no object.

MR. S. J. NAIR (*Nedumangad*): I submit for the consideration of the President that my two amendments must come together under Clause 5. The short title of the Clause should read :—

"Rights of widow not to cease on her remarriage".

PRESIDENT: The trouble is not with regard to the short title but with regard to the Clause itself.

MR. S. J. NAIR (*Nedumangad*): That can be suitably amended by the Law Member, Sir. (*Laughter.*)

MR. M. SIVATANU PILLAI (*Tovala*): Does the member think of a case of a widow who remarries or of a widow who never remarries?

MR. S. J. NAIR (*Nedumangad*): My idea is this. For the mere reason that a widow remarries, her rights over the property of her deceased husband shall not be taken away.

MR. M. SIVATANU PILLAI (*Tovala*): The amended Clause as made out by the member does not make any mention of a widow remarrying.

MR. S. J. NAIR (*Nedumangad*): It is not necessary, because the Clause reads thus :—

"No right or interest which any widow may have in her deceased husband's property by way of maintenance or by inheritance to her husband or to his lineal successors, or by virtue of any will or testamentary disposition conferring upon her shall remain in force".

This Bill is intended to help the remarriage of widows. We are dealing with widows who go in for remarriage. So, even without making any specific mention of that idea, it speaks for itself.

MR. K. R. ELENKATH (*Kalkulam I*): I second the spirit of the amendment.

PRESIDENT: Technically, I cannot allow members seconding the spirit of the amendment.

MR. K. R. ELENKATH (*Kalkulam I*): What is meant by the member is that a widow, after re-marriage, should not be dispossessed of the property which was intended for her maintenance. It may be very incongruous that a widow, after she has ceased to be the widow of the person from whose estate she claims maintenance should continue

to enjoy the properties of her deceased husband, even after she has got a person to protect and maintain her. But, there are very hard cases in which young girls of 15 or 17, in the very bloom of their life, although poor, purely on account of their beauty and charm, might have been married by rich and influential men and may lose their husbands. Of course, their marriage value has got considerably diminished by their first marriage. So, should she not get at least the advantage of getting her deceased husband's estate which may prove an attraction for some young man to marry her? I do admit that in the case of widows who follow the Mitakshara law, for whom this Bill is intended, there is the fact that, soon after marriage she changes her family and becomes a member of her husband's family. Her remarriage leads to complications such as in the performance of religious rites. But, these are sentimental things which no law need take serious note of when the measure is for the public good. In some communities, absolute right over property is enjoyed by women. In the case of the Nair community, the woman inherits the property of the husband, and gets absolute right over it, and when she gets remarried she does not get divested of the property. She gets absolute right. Why should we deny that right to the women belonging to other communities?

MR. M. SIVATANU PILLAI (*Torala*): Does a Hindu widow, following Mitakshara law, get absolute right over her husband's property?

MR. K. R. ELENKATH (*Kalkulam I*): No. It is very hard that a woman who had sacrificed everything for her husband should be divested of her right over her husband's estate. In the Select Committee, it was decided that if the husband expresses his desire that she might remarry, that might be allowed, and she might get the property of the husband. But, can we expect any woman, when her husband is in his death-bed, to request her husband to give his express consent for her remarriage? Will any woman, who has a heart, go to her husband in his death-bed and ask his permission for her remarriage? And, in case the husband and the wife had no love lost between them, of course, the husband will dispose of his property by a will; and the wife may not get it. We are here considering the case of good women who have led chaste lives. In the case of a woman who, after the death of her husband, has been leading an adulterous life, she does not cease to enjoy her right of the property of her late husband; but a woman who wants to live a chaste life and to take a second husband, her right over property is divested. I therefore think that this amendment should be given due consideration. I submit that there are many points in favour of the amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I rise to oppose the amendment. I oppose it not because I am not in sympathy with its object, but because, by the amendments introduced by the Select Committee we are going back practically to the British Indian Enactment of 1856 by enacting all the provisions contained in that Act. The difficulty was pointed out by the Law Member when this matter was discussed. This amendment, it was argued, was in contravention of the spirit of the Mitakshara Law, and however reasonable we might

Mr. K. Kunjukrishna Pillai]
be, to accept it, there might be the necessity for collecting evidence, with regard to this matter, from the communities affected by this Legislation. I think, Sir, if this motion is pressed, there might be some such difficulty, and what little is sought to be gained by this Bill may also have to wait indefinitely. On that ground and that ground only, I oppose the amendment proposed by Mr. S. J. Nair, apart from its other defects which it will be very difficult to rectify at present. Under these circumstances, I appeal to Mr. S. J. Nair to withdraw this amendment on account of its obvious defects.

MR. S. J. NAIR (*Nedumangad*): Sir, I want to say a word in reply.

The object of the Bill is to promote the remarriage of widows.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Is it to permit, or to promote?

MR. S. J. NAIR (*Nedumangad*): To permit remarriage with a view to promote it. (*Laughter*). If that is the idea of this legislation, then the property of the deceased husband must devolve upon the widow unless and until that right is waived by the widow. No rich widow will care to go in for a remarriage and no man, widower or bachelor, will care to marry a poor widow if the widow would be divested of her properties consequent on remarriage. Consequently, this legislation if it is passed as it is will merely adorn our statute book, and will be practically a dead letter. So, in order to help as well as to promote remarriages of widows, it is highly essential that the right over the property of the deceased husband must necessarily rest and vest with the widow even after remarriage. I appeal to this House to seriously consider this question and to support my amendment. Then another objection that has been raised by my friend Mr. Kottur Kunjukrishna Pillai is that it is in contravention of the spirit of Mitakshara Law. Well, Sir, this is a special legislation; in the Mithakshara Law the widows are not at all allowed to remarry. We are making a new legislation in order to promote a new spirit that is prevalent in this country. I appeal to the House to accept my amendment.

The amendment was put to the vote of the House and lost.

The question that Clause 5 do stand part of the Bill was put to vote and carried.

Clause 5 was added to the Bill.

Clause 6.

MR. S. J. NAIR (*Nedumangad*): May I be permitted to move my two amendments together, as their object is the same.

PRESIDENT: Please do.

MR. S. J. NAIR (*Nedumangad*): I beg to move the following amendments to Clause 6.

"In Clause 6 line 1, omit the words "neither the widow nor any" and add the word "no": and omit the whole portion, including the proviso, that occur from line 3, after the words "of his children" and add the words "the widow shall be the guardian of the children".

If this amendment is accepted the Clause will read like this:—

> "On the remmarriage of a Hindu widow, if no other person has been expressly constituted by the will or testamentary disposition of the deceased husband as the guardian of his children, the widow shall be the guardian of the children."

Sir, my object is to empower the widow to be the legal guardian of the children, even after her remarriage. Sir, it is the natural right of a mother to be the legal guardian of her children. To divest her of this right is not only cruel but inhuman also. If the guardianship over the minor children is taken away from the mother, after the death of the father, there will be none to look after the interests of the children. So, in the interests of the children, who are to be the future citizens of the State the guardianship over minor children should vest with their mothers, who can never be replaced by anybody else. Whether she is a widow who has gone in for remarriage or whether she continues to remain a widow, the right of guardianship over her children shall not be divested of her.

There is another reason also for this amendment. In the face of this provision, no widow will care to remarry. Sir, the love and affection of a woman towards her children is more sacred than her love towards any man. Well, Sir, a woman would be prepared even to divorce her husband, but for no reason under the sun would a woman be prepared to desert her children. What I submit is that it is a natural right of a mother to be the guardian of her children. Sir, we do not see even in the case of wild animals, the mother deserting its young ones. Sir, that right to protect one's children is inborn, instinctive, and God-given; and no one can justify any legislation - which is only man-made--to take away that right from a woman.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Will not these children be an encumbrance to the new husband of the widow?

MR. S. J. NAIR (*Nedumangad*): No Sir; because the man goes in for the widow with open eyes, knowing full well that she has children by her first husband. If it had been an encumbrance on the part of the deceased husband, it would be an encumbrance on the new husband as well. But, Sir, this legislation is not intended for the interest of the new husbands of widows, but in the interest of the widows and in the interests of the coming generation. For that, the mother must be given the guardianship over her minor children. There is also another aspect of this question. When a widower marries he does not lose the right of the guardianship over his minor children by his deceased wife. So there must be equality of status so far as the widower and the widow are concerned, in the matter of the guardianship over minor children. With these words I appeal to this House, in consideration of humanity at large, to accept this amendment.

MR. K. P. KRISHNA MENON (*Parur*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I wish I had not to intervene in this debate since it relates to a social measure. But, I may perhaps explain the real position arising out of this amendment. Under the Hindu Law, the widow is not

[Mr. Kayalam Paramesvaran Pillai.]

ordinarily the legal guardian of the children upon the death of her husband. The Hindu Law lays down a list of persons who in order will be the guardians of the children after the death of the children's father; in that list, the widow comes only very far below—after the father's father, father's brother, and so on. If, however, in a particular case the widow happens to be the guardian of her children, that guardianship should not be divested by the mere reason of her remarriage. What is proposed by the Clause in the Bill is that the widow shall not claim to be the guardian of her late husband's children merely by reason of her remarriage. What Mr. S. J. Nair wants is that even a widow who would not have been a guardian before her remarriage, must be made the guardian immediately after her remarriage. That cannot be accepted.

There is an important reason in support of this Clause in the Bill as it is. The Clause is on a line with the corresponding Clause in the British Indian Act. It should be our endeavour to bring our enactment into a line with the British Indian Act, since this measure would apply to that class of people who follow the Mithakshara Law. By far the bulk, a large proportion, of such people live in British India. There is therefore no meaning in putting their brothers and sisters here, who form a small minority, under a different law. If we make any change, there must be some paramount reason for that. There is no such reason now.

MR. S. J. NAIR (*Nedumangad*): Sir, the argument advanced against my motion is not at all convincing. Let me take the first argument, *viz.*, that this provision does not occur in the British Indian Acts. Well Sir, under Hindu Law, the remarriage of widows is not contemplated at all. So, we are not to accept the principles of Hindu Law. We are going to deviate. But the deviations must be in the interests of the parties concerned, and not against their interests. So, the argument that it goes against the spirit of the Hindu Law is no argument.

Another argument advanced by the Law Member is that, if we pass this amendment, we would become the minority in following a different law from those Hindus in British India who follow the Mithakshara Law. Well, Sir, on various things and on various occasions we have been the model to be followed by other Indian States, and British India as well. Take the case of the temple entry. The solution of that problem by His Gracious Highness Our Maharaja has set our State in the first rank, though we form only a minority. Our State has become now the cynosure of all the world. In this respect also, we must set a model by adopting this provision in this new legislation. With these words, I appeal to the House to accept my amendment.

The amendment was put to vote and lost.

The question that Clause 6 do form part of the Bill was put to vote and carried.

The Clause was added to the Bill.

Clause 7.

MR. S. J. NAIR (*Nedumangad*): Sir, I move the following amendment.

In Clause 7, omit the words "Except as is provided in the preceding section, a widow shall not, by reason of her re narriage, forfeit any property or any right to which she would otherwise be entitled; and", that occur in lines 1 to 3.

By deleting this portion the Clause would read like this.

"Every widow who has remarried shall have the same rights of inheritance as she would have had, had such marriage been her first marriage."

Sir, my amendment speaks for itself. It intends to give equal right for the widow who has gone in for remarriage, as the widow who has not gone in for remarriage.

The amendment fell through for want of seconding.

The question that Clause 7 do stand part of the Bill was put to vote and carried.

The Clause was added to the Bill.

Preamble.

The question that the Preamble do stand part of the Bill was put to vote and carried.

The Preamble was added to the Bill.

Title.

The question that the Title do stand part of the Bill was put to vote and carried.

The Title was added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): So, before the Bill proceeds to the third reading I wish to make an amendment. Clause 1 (i) says "this Regulation may be called The Travancore Hindu Widows' Remarriage Regulation, 111." It is not known when this Regulation will come into force whether in 1112 or 1113. I would propose that the figures "111" be omitted,

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I second it.

The amendment was put to vote and carried,

SRIMATI T. NARAYANI AMMA (*Nominated*): Sir, I move that the Bill be now passed.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I second it.

The motion that the Bill be passed was put to vote and carried.

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

ABOLITION OF THE OFFICE OF ASSISTANT SUPERINTENDENTS OF POLICE.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): Sir, I move the following resolution:—

"This Assembly recommends to Government the abolition of the offices of Assistant Superintendents of Police."

[Mr. V. Ramakrishna Panickar.]

It is not without any expectation of opposition that I venture to move this resolution. I do so under the honest belief that the offices of the Assistant Superintendents of Police do not serve much useful purpose. There are on the whole six A. S. P's. in the State. There are also three District Superintendents of Police, each in charge of a District. Each of these District Superintendents has a couple of Assistant Superintendents under him. What the work of these A. S. P's is cannot be ascertained from the Administration Reports of the Police Department. All that can be gathered from the statement given on page 58 of the Administration Report for 1110, is that each of these A. S. P's has inspected all the stations and out-posts under him once a year, and has gone to camp on an average on 280 days in the year. But, the very same statement says that the D. S. P's. also have inspected all the Stations and all the out-posts under them once in the year, and have been in camp for a greater number of days than the A. S. P's. themselves. It will be seen that the work transacted by the D. S. P's. is double the work done by the A. S. P's. There are, on the whole, only 61 stations and 104 out-posts in the State, and each of these A. S. P's. has not more than 10 stations and 17 out-posts, on an average under him. The inspection work of the A. S. P. is therefore very light. Inspection of 61 stations and 104 out-posts is not too heavy for three D. S. P's. The inspection may conveniently be done by them without any sacrifice of efficiency.

There is no knowing whether these A. S. P's. are attending to any other work than the inspection of stations. They are not, I may submit, attending to the investigation of cases, nor are they conducting any criminal prosecution. There is a certain class of Inspectors known as Prosecuting Inspectors for conducting criminal prosecutions. There is no crime register kept by the A. S. P's and therefore no investigation can possibly be done by them. All these kinds of work are being attended to by other officers of the department. Therefore, what I beg to submit is that the work that an A. S. P. has to attend to is very little. These intermediate officers now transmit the papers between the Inspectors and the District Superintendents. This practice, I must say causes delay in the disposal of cases, because, often papers are being delayed with the A. S. P's. Such delay can also be avoided if the offices of the A. S. P's. are abolished.

In this connection, I beg to submit that the post of the A. S. P. is one of a recent creation. We had formerly only two District Superintendents. At one time we had Circle Inspectors. Finding that they served no useful purpose, those posts were abolished. It may be said that the population of the State is gradually increasing, and therefore there is the necessity of an increase in the Police Force also. But there is gigantic increase in the Inspectorate and the Constabulary. We have 81 Inspectors now, while we were managing with half the number formerly. The number of Constables has also increased two-fold

Again, so far as controlling work is concerned, there are Traffic Inspectors and C. I. D. Inspectors, so that the work of the D. S. P. in the matter of control is very much mitigated. Therefore, the A. S. P's. are superfluous.

The cost of maintaining these officers is also considerable. The salary of an A. S. P. per mensem is Rs. 250; so then the aggregate cost on account of six A. S. P's. is about Rs. 18,000. This amount may with advantage be saved. Therefore, I commend the resolution for the acceptance of the House.

(At this stage the President left the Hall and the Deputy President took the Chair).

MR. S. J. NAIR (*Nedumangad*): Sir, I second the resolution and in doing so, I submit that the existence of the A. S. P's is nothing but superfluous. The A. S. P's at present do not, in any way, help the prevention of crimes at all. On the other hand they to a very great extent prevent able and honest Police Inspectors from discharging their legitimate duties. There are various instances in which the A. S. P's. have gone and obstructed the natural and legitimate duties of Police Inspectors in bringing the culprits to book. As has been stated by the honurable member who moved the resolution, there is no necessity for these A. S. Ps when there are D. S. Ps. As far as the inspection of Police Stations is concerned the D. S. Ps, can very well do that. As for control over the subordinate Police Officers, the D. S. Ps. will be able effectively to control their subordinates. As for detection of crimes there is a section of the Police Department, known as the C. I. D., who will very well detect the crimes that could not be detected by the ordinary Police. Therefore, it is an unnecessary waste of public funds to retain the posts of A. S. P's. For these reasons, I support the resolution.

MR. G. NILAKANTAN (*Nominated*): Sir, I oppose the resolution. The posts of A. S. P's. have been created with two objects. Firstly, to investigate graver crimes. Secondly to exercise constant supervision over the Inspector's work in the investigation of crimes. It is found by experience that it is safer and more effective that an officer of the status of an A. S. P. should be held responsible for the investigation of grave crimes relating to life and property.

MR. N. E. VARUGHESE (*Tiruvalla I*): May I know from the member whether there is any circular or departmental order on the subject?

MR. G. NILAKANTAN (*Nominated*): I think there is.

MR. S. J. NAIR (*Nedumangad*): May I know whether he is aware that, under the existing law in Travancore, the Police Inspectors are entitled to investigate any sort of crime, *i. e.* cognisable offences?

MR. G. NILAKANTAN (*Nominated*): They are, under the law, entitled to investigate all crimes. But from experience, it is learnt that it is not always safe to entrust the investigation of all crimes to Inspectors.

MR. N. E. VARUGHESE (*Tiruvalla I*): May I know from the member what his experience was in the matter of investigating criminal cases?

DEPUTY PRESIDENT: That presupposes that Mr. Nilakantan must have been a Police Officer.

MR. G. NILAKANTAN (*Nominated*): This subject was discussed on the floor of the House previously, and the Commissioner then placed before the House the number of cases investigated by A. S. P's. I think, Sir, the abolition of the posts of A. S. P's. will create a great void between the D. S. P's. and the Inspectors. There is great difference in status between the D. S. P's. and the Inspectors so that there is the likelihood of an Inspector becoming a creature of the D. S. P.

MR. S. J. NAIR (*Nedumangad*): May I know whether the District Superintendent is not an intermediary, at present, between the Commissioner of Police and the Inspectors?

MR. G. NILAKANTAN (*Nominated*): I will come to that. The result will be that the Police Inspector will be completely in the hands of the D. S. P. Experience has shown that this will prejudice the administration of the department.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): Whenever a case is investigated by the A. S. P., as suggested by the member, does he do so independently of the Inspector in whose jurisdiction the case has cropped up?

MR. G. NILAKANTAN (*Nominated*): He can take up a case independently, or jointly with the Inspector.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): Does the A. S. P. keep any crime register?

MR. G. NILAKANTAN (*Nominated*): That is not necessary. The crime register is in the Police station, and he can make the necessary entries.

Again, Sir, the D. S. P. has considerable work in connection with the supervision of the subordinates. He has no time to investigate crimes. Therefore, an officer of the status of the A. S. P. is absolutely necessary for the investigation of graver crimes.

MR. S. J. NAIR (*Nedumangad*): What is the difference between the work of the A. S. P. and the D. S. P.?

DEPUTY PRESIDENT: That question need not be answered. Every member of the House is presumed to understand the difference.

MR. G. NILAKANTAN (*Nominated*): In olden times, there were the Police Commissioner, the Assistant Superintendent and the Inspector. There were no D. S. P's. It was found that, under that system, proper control was not exercised over the Inspectors. Therefore, the department was reorganised and the District Superintendents were introduced instead of A. S. P's. If one link in the present system is removed, I think the whole department will be dislocated. For the proper conduct of Police work, all these officers are absolutely necessary. With these remarks, I oppose the resolution.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Sir, I oppose the resolution. These A. S. P's. are an unfortunate set of officers who have from the time of the very creation of this office been glanced with an eye of derision and detestation by some of the non-official members of the Legislature. On three prior occasions the question of the abolition of this office was considered on the floor of the Legislature : and even though on one occasion the motion was carried the two later attempts failed owing presumably to the convincing arguments and staunch advocacy of the then Commissioners of Police.

The one argument advanced in favour of the abolition of this post is that these A. S. P's. existing as they do side by side with the D. S. P's., are superfluous since both of them are called upon to do more or less the same work, namely, detection, prevention and investigation of crimes. I think, till lately, these A. S. P's. were enjoying a happy-go-lucky life, not because they had no responsible duties but because they were allowed to do so by the officers who held sway over them. Sir, recently that has changed. Recruitment to the Police Force on considerations other than efficiency has, I am constrained to say, deteriorated the efficiency of the department. I may also add that no other departmental subordinates have such a profusion of opportunities to go astray from the path of virtue as the Police, and no amount of control over these subordinates can be considered superfluous. An efficient, well-disciplined Police Force is undoubtedly the country's pride and the greatest boon the Government can confer but, Sir, an inefficient and unmoral Police is the greatest pest and peril to society. It would indeed, be a suprehuman task for a single District officer as the D. S. P. with his heavy routine work, to attend to all his executive duties of detection, prevention, and investigation of crimes satisfactorily and at the same time control the army of Inspectors, Head Constables and the Constabulary under him efficiently and well. There is no gain saying the fact that there is ample scope for good and useful work for these classes of intermediary officers, and the whole evil lies in the fact that they have erected a tradition for indolence and inactivity and are being suffered to keep up that tradition. Now, fortunately, in the person of the present Police Commissioner we have an officer of very great experience in the department and no wonder visible changes in the improvement of the tone and the efficiency of the department are seen day by day. And any amount spent for bettering the discipline and efficiency of the department can never be considered a waste. I am strongly of opinion that such a set of intermediary officers between the D S. P. and the Inspector are indispensable for keeping satisfactory disciplinary control over the subordinate officers of the Police Force and so I strongly oppose the resolution.

MR. V. T. CHACKO (*Muvattupuzha I*): I support the resolution. I understand as a fact that the double controlling agencies of the department, which cause a heavy drain on the public exchequer, are of little service to the country. This system of double controlling agencies known as D. S. P's. and A. S. P's. is rather a source of evil. There

[Mr. V. T. Chacko.]

was a time in the history of the Police administration in Travancore when it was controlled by a single solitary officer known as the Superintendent of Police assisted by three Assistant Superintendents and when crimes were prevented or detected as efficiently and ably as in the present day, if not more.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I ask whether the Commissioner of Police is still a member of the House.

DEPUTY PRESIDENT: That question does not seem to be relevant. The Commissioner of Police may choose to be present in the House as the occasion requiries. I do not think there is any legitimate ground for an enquiry as the one made by Mr. Pacode Narayana Pillai.

MR V. T. CHACKO (*Muvattupuzha I*): The tax payer is not benefited in the least by the case diary being transmitted through two agencies or four.

The main duties of the Police are, detection and prevention of crime. Let us see how far the D. S. P's. and A. S. P's. are contributing towards the realisation of these objects. This part of the Police work is left entirely to the Station House Officers. Though there may be a number of highly paid A. S. P's. and D. S. P's., prevention and detection of crimes are left to the Station House Officers. Primarily this important duty of the Police is left to the Station House Officers.

There is a circular order in the department that grave crimes should be investigated by the A. S. P's. or D. S. P's. Does any of them pay heed to it? Does the head of the department enforce that order? Will you, Sir, ascertain how many cases in the line of detection or prevention were investigated and charge sheeted by the D. S. P's. or the A. S. P's. during last year? This is a question that I want to ask.

DEPUTY PRESIDENT. The member can put the question to the Police Commissioner when he replies.

MR. V. T. CHACKO (*Muvattupuzha I*): The real test for ascertaining whether a Police Officer has actually investigated a case is to see if he cites himself as a prosecution witness in the charge-sheet. By applying this test we will find that most of the A. S. P's. and D. S. P's. will fall far short of our expectations.

DEPUTY PRESIDENT: May I ask the member how long he was an officer of the Police Department?

MR. V. T. CHACKO (*Muvattupuzha I*): Thirty years.

It is well-known that no A. S. P. or D. S. P. will come forward as a prosecution witness in the charge-sheet. There is a circular order that the investigating officer must be cited as a prosecution witness in the charge-sheet. Now, this order is honoured more in the breach than in the observance. It is not without reason that he evades this order. He does not want to cut a sorry figure in the witness box, exposing himself to a severe cross-examination from the defence side.

I may bring to the notice of the House that this House—I mean its predecessor—the Legislative Council—on a former occasion when it had no control over these officers passed a resolution practically dispensing with the services of this set of officers. The House then refused to sanction the expenditure of the establishment of the staff of the A. S. P's. office.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Is the member aware that the successor of that Council voted for the continuance of these appointments?

MR. V. T. CHACKO (*Muvattupuzha I*): Yes. I only said that at one time the Council voted against the grant. It is commonly known that the work of the high paid executive officers is confined to the desk. We often notice that when an Inspector goes wrong in the investigation of a case or when a case is spoiled by malpractice or otherwise, instead of the case being taken up by the A. S. P. or D. S. P. it is left to another Inspector and the head of the department connives at it.

MR. K. R. ELENKATH (*Kalkulam I*): As an officer who has had sufficient experience in the department, and as an officer who served in the department also when there were no A. S. P's. is it the opinion of the member that in investigation and inspection work, the department fared better after the appointment of the A. S. P's. than before.?

MR. V. T. CHACKO (*Muvattupuzha I*): I doubt very much.

MR. K. R. ELENKATH (*Kalkulam I*): Am I to understand from the member that according to his opinion, the posts of A. S. P's. are unnecessary?

MR. V. T. CHACKO (*Muvattupuzha I*): I am of opinion that there should be only one set of controlling officers between the Commissioner and the Station House Officers. It is unnecessary to have double controlling agencies.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Is there any harm in retaining the services of the A. S. P's.?

MR. V. T. CHACKO (*Muvattupuzha I*): Why should there be a superfluous number of officers? That is my question.

MR. N. E. VARUGHESE (*Tiruvalla I*): May I ask the member whether Inspectors are necessary?

MR. V. T. CHACKO (*Muvattupuzha I*): Yes.

Let us examine the amount of work that is being turned out by the D. S. P's. and the A. S. P's.

MR. K. R. ELENKATH (*Kalkulam I*): Has there been greater or lesser number of complaints against the Inspectors when there were no A. S. P's. than now?

MR. V. T. CHACKO (*Muvattupuzha I*): I cannot say for certain. I think there will be a less number of complaints when there is only one set of intermediary officers between the Commissioner and the Station House Officers. That is my opinion.

When the public exchequer is full to brim, we might have the luxury of having half-a-dozen D. S. P's. and a dozen A. S. P's. But the time has changed. The economic depression has come to stay. It is our sacred duty to reduce expenditure and go to the rescue of the poor taxpayer. Now, here is a department where you can make considerable reduction in expenditure.

MR. P. C. KURIYAN (*Kottayam I*): Will the member be pleased to state the highest place he held in the Police Department?

DEPUTY PRESIDENT: At this stage, that question does not seem to be relevant. If the member is prepared to answer, I have no objection.

MR. V. T. CHACKO (*Muvattupuzha I*): I am not prepared to answer that question.

Here is a department where we can make a considerable reduction in expenditure and that without sacrificing the efficiency of the department. I will suggest to the House that only seven D. S. P's. or seven A. S. P's. are necessary. We may call them A. S P's. or D. S. P's, or Assistant Commissioners, or Deputy Superintendents. Is there any district in British India which can boast of the luxury of 11 supervising officers between the S. H. O. and the D. S. P.? Travancore is a law-abiding country, and—

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether there is any intermediary officer between the D. S. P. and the Inspector-General of Police, in Madras?

MR. V. T. CHACKO (*Muvattupuzha I*): There is the Deputy Inspector-General.

MR. P. C. KURIYAN (*Kottayam I*): Are there A. S. P's. in British India?

MR. V. T. CHACKO (*Muvattupuzha I*): The Gazette will give the information. (*Laughter*)

Travancore is only as large as a British Indian District. The loyalty of the Travancoreans to the Sovereign is proverbial. Luckily we have no criminal tribes, no marauding Maravas, nor terrorists as in British India. That being the case, where is the necessity or justification for having so many controlling officers between the Commissioner and the Station House Officers?

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Is the member aware that, frequently, marauding tribes from suburban regions of British India, come to Travancore and commit crimes?

MR. V. T. CHACKO (*Muvattupuzha I*): Such instances are very rare.

MR. M. SIVATANU PILLAI (*Tovala*): Was there not the notorious Jambulingom who used to visit Travancore also?

MR. V. T. CHACKO (*Muvattupuzha I*): Only once he visited Travancore.

MR. M. SIVATANU PILLAI (*Tovala*): Was the Travancore Police able to catch him? Is the member aware of the feverish attempts on the part of the Travancore Police to get at him?

MR. V. T. CHACKO (*Muvattupuzha I*): He might have passed through once, on his way.

MR. M. SIVATANU PILLAI (*Tovala*): Did not the Travancore Government spend a substantial amount to apprehend him.

MR. V. T. CHACKO (*Muvattupuza I*): I have already said that it was only a rare instance.

[Mr. V. T. Chacko].

What is the necessity or justification for having a separate D. S. P. for the Traffic Department when the department is under the personal supervision of the Commissioner of Police? The Traffic Superintendent has simply to carry out the orders of the Commissioner. Could not Traffic Inspectors be placed under the orders of the three D. S. P's.?

MR. S. J. NAIR (*Nedumangad*): On a point of order. The resolution deals with the abolition of A. S. P's. It has nothing to do with the D. S. P. who is in charge of the Traffic Section of the department.

DEPUTY PRESIDENT: I rule out the point of order of Mr. S. J. Nair; because, in discussing the question as to the necessity of retaining A. S. P's., reference has necessarily to be made to the work of D. S. P's.

MR. V. T. CHACKO (*Muvattupuzha I*): Could not the Traffic Inspectors be placed under the orders of the D. S. P. or A. S. P. as the case may be? That is the point?

The C. I. D. Superintendent is another luxury. The C. I. D. is only in its embryo. Could not an experienced British Indian Officer be got down to train the Travancore Police in C. I. D. work?

DEPUTY PRESIDENT: We are now concerned only with the A. S. P's.

MR. V. T. CHACKO (*Muvattupuzha I*): Yes, Sir; but these unnecessary appoinments can be avoided.

DEPUTY PRESIDENT: So is it the honourable member's idea that these unnecessary appointments can be avoided if a proper man is got down from British India?

MR V. T. CHACKO (*Muvattupuzha I*): Two agencies are unnecessary. Either one or the other is sufficient. That is my view. Without the seven A. S. P's. and the three D. S. P's. between the Commissioner and the Inspectors the work of the Department could be very well carried on. Therefore I am of opinion that these two grades of controlling agencies are unnecessary.

MR. A. EASWARA PILLAI (*Kalkulam II*): Sir, I beg to support this resolution. The mover of this resolution, as well as another member who spoke in support of it and who had more than 30 years' experience in the department have pointed out how these A. S. P's. posts are superfluous. I have often heard persons in the department tell me that these posts are superfluous. They cause inordinate delay in the discharge of their duties, for, all papers have to pass through these officers before they go to the D. S. P's. These posts are unnecessary both to the department and to the public, and there is a good deal of waste of money on account of these unnecessary posts in the Police Department. Therefore, I support the resolution.

DEPUTY PRESIDENT; Mr. P. C. Kuriyan.

MR. K. R. ELENKATH (*Kalkulam I*): Before proceeding with the discussion, I would point out one point for the consideration of the Chair. We would very much wish to hear what the Commissioner has to say about these officers.

DEPUTY PRESIDENT: I have no objection to accept the suggestion made by Mr. Elenkath, because it is open to the Chair to call upon any particular member to speak; and I propose to call the Police Commissioner just a little afterwards. I have already asked Mr. Kuriyan to speak. I do not want to countermand that order. Secondly, I do not know if it is proper to ask any officer to give a detailed explanation as to the functions of a particular officer. It is open to the member to do that.

MR. P. C. KURIYAN (*Kottayam I*): I wish to support the motion, though in theory, I am for having A. S. P's; because, I know, as a matter of fact, that the A. S. P. system, if it is worked well, can do much good to the department and to the public. Unfortunately, by their conduct, steps had to be taken against a few A. S. P s. recently. One A. S. P. has been compelled to retire and another A. S. P. has been punished for standing in the way of the Commissioner exercising proper control over the subordinate officers.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Is it due to the defect in the office of A. S. P's, or in the personnel?

MR. P. C. KURIYAN (*Kottayam I*): I believe, the defect lies in the persons.

DEPUTY PRESIDENT: In that case, you are on the verge of being irrelevant.

MR. P. C. KURIYAN (*Kottayam I*): Though the office is good, the incumbents are not satisfactory. The office by itself is good.

MR. M. SIVATANU PILLAI (*Tovala*): Are the A. S. P's. alone bad, or other officers also?

MR. P. C KURIYAN (*Kottayam I*): The matter under discussion is about A. S. P's.

MR. G NILAKANTAN (*Nominated*): Sir, I rise to a point of order, whether, in opposing the institution of A. S. P's. the member can refer to personalities.

DEPUTY PRESIDENT: After all, it is not always possible to keep the ideas of the persons and the offices they hold in strictly water-tight compartments. I am keeping a vigilant watch, and if it strikes me that Mr. Kuriyan is irrelevant, I will take suitable steps.

MR. P C. KURIYAN (*Kottayam I*): I shall assure the House that in theory the system is all right. But, in actual practice, A. S. P's. are doing more harm than good. I know cases in which A. S. P's. have stood in the way of and made it difficult for the orders of the Commissioner of Police being carried out.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Does the honourable member wish to abolish all grades of officers in the Police Department or is it confined only to A. S. P's?

DEPUTY PRESIDENT: Is it not a very remote idea?

MR. P. C. KURIYAN (*Kottayam I*): For the information of the member I may assure him that even in the case of the A. S. P's., I am prepared to revise my views after hearing the Commissioner.

MR. K. PADMANABHAN (*Chirayinkil I*) : May I know which was the order that the Commissioner found it difficult to carry out due to the intervention of the A. S. P.?

MR. P. C KURIYAN (*Kottayam I*) : In Kottayam, proceedings were instituted against some rowdies. When the Commissioner called for the records, the A. S. P., in a hurry, submitted a report that the whole case had been hushed up. I know it personally.

MR. M. SIVATANU PILLAI (*Tovala*) : Will the member please clear the position ?

DEPUTY PRESIDENT : I prohibit Mr. Kuriyan from continuing in that strain, because we are not concerned with any particular case. The question before the House is whether the post of the A. S. P's. should be retained or not. If a particular A. S. P. is guilty of any misconduct, it will be time for the Government to take steps when it is brought before them in due form.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know how the case was hushed up by sending up a report ?

MR. P. C KURIYAN (*Kottayam I*) : Already one A. S. P. has been asked to retire. I am coming to another A. S. P.

DEPUTY PRESIDENT : The honourable member cannot refer to any particular A. S. P. or D. S. P. ; only, the general question is before the House.

MR. P. C. KURIYAN (*Kottayam I*) : If it is purely an academic discussion, I cannot go on.

DEPUTY PRESIDENT : I thought the honourable member understood the difference between the discussion of a general principle and a purely academic discussion. Here is a concrete fact before the House; only Mr. Kuriyan will not bring in the names of particular officers. Unless I am satisfied that the facts mentioned are relevant, I consider this trend to be unnecessary.

MR. P. C. KURIYAN (*Kottayam I*) : I have said at the outset that I personally support the institution of A. S. P's. But, in actual experience, I find that they are doing more harm than good ; and hence I fear that all the present A. S. P's., as has been done in the case of one, should be asked to go.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : Sir, the Police Department was organised for the first time some 56 years ago, by Mr. Bensley who was then head of the department. He was in charge of the department for a period of 28 years. During his time, the official hierarchy was like this. The officer in charge of the station was the S. H. O. or the Head Constable. Above him, having supervisory control, was the Inspector. In certain cases, that Inspector had control over two stations. Ordinarily only one station was under an S. H. O. Above the Inspector was the A. S. P. in charge of the District. That was the nomenclature by which the District Officer was then called. Over the A. S. P's. there was the Superintendent of Police, the head of the Police administration. So, we could see that

[Mr. R. Pitchu Aiyangar.]

between the officers in charge of the station and the Head of the administration, there were two intermediary officers, *viz.*, the Inspector and the A. S. P. Mr. Bensley left and Mr. George succeeded him. Some five years afterwards in 1088, there was a reorganisation in the department. As a result of that reorganisation there was a revision of salary and the S. H. O. was named Sub-Inspector. Above him there were the Circle Inspectors and the D. S. P's. and then the Commissioner of Police. So, then also, between the Commissioner and the S. H. O. there were two grades of intermediary officers, *viz.*, the Circle Inspectors and D. S P's. Then during the days of Mr. Pitt, the department was re-organised for the third time; the S. H. O. became the Inspector, and the Circle Inspector became the A. S. P. That is the present system. It can thus be seen that ever since the formation of this department, there were two intervening officers between the S. H. O. and the head of the department.

Now, let us for a moment consider what is obtaining in other States, in the sister State of Cochin and in British India, for instance. In the sister State of Cochin, till very recently there was no A. S. P's. at all. Now because of the expansion of trade and the increase of population, it is found impossible to go on without the institution of A. S. Ps.; and so, recently they have introduced it. There also they have two intermediaries between the S. H. O. and the head of the Department. Let us go to British India. If we take the District as a unit, we have the D. S. P., A. S. P., Deputy S. P., C. I., S. I. and the S. H. O. If we take the Presidency as the unit there are the S. H. O. the S. I. the C. I., the A. S. P. the Deputy Superintendent of Police, Deputy I. G. and I. G. There are four or five intervening officers. So that what we are having here is the minimum. Well, go to Mysore, Baroda or Hydrabad. In all these places you are having six more intermediary officers than in Travancore. Well, for a country to prosper we must have general peace. That peace can be maintained only by the reign of law. For the reign of law you should have a powerful, strong, well-diciplined and well-organised Police force. For the Police force to be well-organised and to serve its purpose efficiently we must have officers to discharge different functions. Some doubts were expressed by the honourable members that the A. S. P's have no work commensurate with their pay. Now Sir, the A. S. P. has to inspect stations. It means in the course of the year each station will be inspected by two controlling officers. I insist upon the inspection of the station as many times as possible to correct the Inspector's wrongs and to punish his misbehaviour then and there, as a stitch in time saves nine. Otherwise it becomes too late to find out the mistakes to rectify them and to punish officers. As soon as we get any information of any misbehaviour on the part of an Inspector, immediately the higher officer visits the station. For that an officer of the status of an A. S. P. is needed.

MR. K. R. ELENKATH (*Kalkulam I*) : What is the minimum number of times which an A. S. P. has to visit a particular station ?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : The minimum number is one.

MR. K. R. ELENKATH (*Kalkulam I*) : In one year?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : Yes, in one year.

MR. V. RAMAKRISHNA PANICKER (*Kartikappalli II*) : May I know the number of stations to be inspected by an A. S. P ?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : About 6 stations to be inspected on an average. Sometimes they will have to inspect 8, 9, and even 10 stations.

Now what about the usefulness of the Institution ? The A. S. P. is to inspect stations, investigate crimes, and enquire into the complaints against Departmental Officers. He has to maintain discipline among his subordinates. The D. S. P's time will be mostly taken up by hearing complaints. There are ever so many complaints made by the honourable members like Mr. S. J. Nair and others against the local Inspectors.

MR. S. J. NAIR (*Nedumangad*) : I have not made any complaint against any local Inspector.

DEPUTY PRESIDENT : After all, that does not matter much. Mr. Pitchu Aiyangar made only a passing reference.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : Mr. S. J. Nair himself has approached me on several occasions with complaints

DEPUTY PRESIDENT : I am sorry to observe that there is a dispute, between two honourable members, one asserting that no such complaints were made and the other denying that. I hope such things will not recur.

MR. K. R. ELENKATH (*Kalkulam I*) : Who conduct the original investigation of cases, the A. S. P's. or the D. S. P's.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : The D. S. P's. They are controlling and supervising officers. They supervise all investigations and as the officers responsible for Criminal administration in the Districts, they have to see that everything goes on well. Now a days investigation of crime is done more expeditiously and expeditiously than before.

MR. M. SIVATANU PILLAI (*Tovala*) : Is there any overlapping of work between the A. S. P, and the D. S. P?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : There is no overlapping. Well, there are ever so many complaints against the Inspectors. The A. S. P. makes investigations. When there are complaints against the A. S. P. himself, regarding his investigation, the D. S. P. intervenes. I do not think there is any overlapping leading to any friction. These officers have been moving rather harmoniously with one another.

MR. K. PADMANABHAN (*Chirayinkil I*): Is there any real differenciation in their functions?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): There may not be. But the D. S. P. has control over the whole district. He has disciplinary control over the A. S. P. also.

MR. V. T. CHACKO (*Nominated*): When A. S. P's. investigate cases, in how many cases have they come forward as prosecution witnesses?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): They have done so in ever so many cases. Evidently, there was no occasion for the honourable member to appear as a prosecution witness, when he was an A. S. P.

DEPUTY PRESIDENT: The honourable member's question was as to how things were done now.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Much better than it was in the days when the honourable member was in service.

MR. V. T. CHACKO (*Muvattupuzha I*): May I know in how many cases the A. S. P's. and D. S. P's were cited as witnesses?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): In ever so many cases. In all the graver crimes which they have to investigate, the A. S. P. countersigns the charge sheet.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Is it a fact that now a days even the Inspectors, the counterpart of the old S. H. Os, fight shy of being cited as prosecution witnesses?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): There is no question of shyness. If they are summoned by the court, they must appear.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Is it not necessary that the investigating Officer should sign the charge sheet?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Yes, that is the rule.

MR. PACODE. A. NARAYANA PILLAI (*Vilavankod*): May I know whether that rule is followed in all the cases?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Yes, in all cases, without any exception.

MR. M. SIVATANU PILLAI (*Tovala*): Is there any circular issued that the investigating officer should figure as a witness?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Necessarily, the investigating officer who is in possession of the salient points in the case should be cited as a witness. He is always found as a witness in the charge sheet. If the court finds it necessary to summon him, he appears as a witness.

MR. M. SIVATANU PILLAI (*Tovala*): Will the honourable member say definitely that there is a circular issued to the effect that all the investigating officers should figure as prosecution witnesses?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): There is.

MR. M. SIVATANU PILLAI (*Tovala*): Where was the necessity for issuing such a circular, if all the investigating officers were being cited as prosecution witnesses?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): These circulars were not issued now; they were issued in the past.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Does the member know that the High Court have passed strictures against the investigating police officers for not appearing as prosecution witnesses?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): That does not call for any strictures because it is no offence.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): The question is whether the honourable member is aware of the fact that the High Court has passed strictures against police officers in this matter?

DEPUTY PRESIDENT: Is the honourable member giving information, or asking for it?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I am eliciting information.

DEPUTY PRESIDENT: Then the question should be put in a different way.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether the honourable member is aware of the strictures?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I am not aware of any strictures passed by the High Court for the investigating officers not being cited as witnesses.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Is he aware of any observations made by the High Court about the Police?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): There have been observations about indifferent and bad investigation. But, the Police officers have got unstinted praises also.

MR. N. E. VARUGHESE (*Tiruvalla I*): The S. H. O. or Inspector is investigating cases; and the A. S. P. supervises the work of the Inspector. May I ask whether the D. S. P. has anything to do?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): As an officer who is in charge of criminal investigation in the District, the power of supervising and controlling his subordinate officers, who investigate cases, is vested with him. Moreover he has the power to ask the A. S. P. to withdraw investigations. That too is happening; I do not dispute that.

Now, what about the present-day Police force? Well it has been praised from all quarters.

DEPUTY PRESIDENT: Have the A. S. P's been anywhere specifically praised?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): They are included in the Police force.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Which is the unexpected quarter from where the Police were praised?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Gandhiji, for instance.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): May I know whether Gandhiji has ever expressed his displeasure about anybody?

DEPUTY PRESIDENT: I rule that the praise or blame showered by anybody upon the police is not at all relevant to the discussion in general.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): The whole Police force can be considered as a single structure, an edifice and within that edifice you have the institution of A. S. P's. So far as the A. S. P's. are not specifically condemned, and the police are praised in general the A. S. P's. also are entitled to a portion of the praise.

(Dialogue between the Law Member and the Police Commissioner):

MR. M. SIVATANU PILLAI (*Tovala*): Is the member in order to take instructions from the Law Member?

DEPUTY PRESIDENT: I am keeping a vigilant watch over the debate. I did not find Mr. Pitchu Aiyangar taking any instructions from the Law Member. How much time will the honourable member require to finish?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I may take half an hour more.

DEPUTY PRESIDENT: I am sorry to say that I cannot allow half an hour. Anyhow the House will now rise for lunch to meet again at two o' clock.

The House adjourned for lunch at 12-59 P. M. and reassembled after lunch at 2 P. M. with the Deputy President in the Chair.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Sir, the Police force is the strong whip of the law. If this force is not kept strong you are crippling the limb. I want to emphasise that the institution of A. S. P's. which seems to be thought of as one of recent origin is not a new introduction into the constitution. It was one which was in the constitution ever since the commencement of this department. It was there as one of the limbs which grew as the constitution grew. Now, there is a tendency and an attempt to pull it down. If you do so, I think, the whole edifice will come down, because the A. S. P. is part and parcel of the whole structure. It will be a fatal experiment, because this has been in the constitution ever since the department began to function. If, at this stage, there is an attempt to pull it down, what will be the result? Because of the extreme necessity for the continuance of this institution, it has been allowed to go on. Sir, let us now take up the hypothetical case in which this institution has been removed from the constitution? What is the lot of the District Superintendents? They will have too much work to do. With too much of inspection and control work they will have no time for anything, with the result that all these offices will become absolutely useless.

Secondly, let us consider what will be the result if there is no intermediate office between the D. S. P's and the Inspectors. The A. S. Ps' institution is the training field for the Inspectors to become District Superintendents. If all on a sudden an Inspector is made a District Superintendent, the position will be very awkward. Then

there are several graduates in Arts and in Law who have got some good hope to become A. S. P's. and D. S. P's. The incentive for those Inspectors who want to be honest and to do good work and to create favourable public opinion, is that they may have opportunity to serve as superior officers. It is not all the Inspectors that become A. S. P's. or all A. S. P's. that become D. S. P's. or all D. S. P's. that become the Commissioner. It is only those who have got approved merit as Inspectors that can become an A. S. P. and so forth. Such is the case with the different offices of the department. That is how the efficiency of the force has been maintained, and the efficiency of the Travancore Police has been admitted on all hands. Now when the administration is able to secure favourable opinion from responsible public men, from honourable members of this House and the upper House, from the Government and from various distinguished guests, wherein lies the necessity to disturb the present arrangement? Unless the present administration proves inefficient, and unless it is considered that the institution of A. S. P's. is an unnecessary burden to the taxpayer, I do not think there is any necessity.

MR. A. THANU PILLAI: (*Trivandrum-Rural*) : Sir, the member was saying that the efficiency of this department was admitted on all hands as a special feature of that department. Is there anything peculiar about that department in point of efficiency? I wish to know what the member means by repeating that statement.

DEPUTY PRESIDENT : He did not say that other departments are not efficient. I heard him say that the efficiency of his department was admitted on all hands.

MR. A. THANU PILLAI: (*Trivandrum-Rural*) : On what basis does he make that statement? I question that statement.

DEPUTY PRESIDENT: It is quite open to the honourable member to question the statement if he chooses. But the Police Commissioner cannot be asked to give documentary or oral proof as to the facts that he has got in his mind. He expresses his opinion on behalf of the Government. He cannot be cross examined with regard to that.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : Sir, what I wish to know is this. Here is a statement that the efficiency of his department is admitted on all hands. I wish to know on what basis he makes that statement.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*) : I have not got any documentary evidence. But a few members of this House, the Government and the public organs of the State and Gandhiji himself have expressed appreciation of the work of the Police.

DEPUTY PRESIDENT : I wish the Police Commissioner be left there. He has made a statement that his department is certified to be efficient, by men who in his opinion are good enough to express that opinion.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): When there is so much responsible public opinion, I ask whether there is any necessity to consider the institution as useless or superfluous? Is it not necessary to leave the structure intact so that it may carry on its function as efficiently as it began? Will it not be suicidal policy to attempt a change which may bring down the whole edifice. Will it not be like trying an experiment by starving a man to see how long it will take for him to die of starvation? Then, again, Sir, I request the House to consider the lot of the poor Inspectors. It is because of the superior offices which they can aspire to, that they are having an incentive to do honest and efficient work.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether these matters are relevant?

DEPUTY PRESIDENT: Yes, they are relevant. The Police Commissioner's point is this. Unless there is a sufficient number of higher appointments in the department, there will be no incentive for people who are in the inferior grade to work with interest and efficiency. That is his view.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): When the other States are progressive, I do not see why we should be retrogressive. When they are building up I do not see why we should pull down the existing structure. In Cochin, they have recently introduced the institution of A. S. P's. I emphasise that it will be extremely prejudicial to the maintenance of public peace, if this important offices of the A. S. Ps. are abolished. They are doing good work as inspecting and investigating officers. Without them there would be no time for the D. S. Ps. to do their work. I would again emphasise that the abolition will be highly detrimental to the department.

MR. A. THANU PILLAI (*Trivandrum—Rural*): What has the Commissioner to say to the suggestion that the number of districts may be increased and each district placed in charge of one officer?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): It is high time for the re-organisation of the department, because 12 years have elapsed since the last re-organisation. We were having a re-organisation once in 5 years. But anyhow the present structure, which has been there ever since the Police Department began to function should not be disturbed.

MR. A. THANU PILLAI (*Trivandrum—Rural*): I wish to know whether the functions of the A. S. P's of the present day are the same as those of the Inspectors in Bensley's time.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): It is much more. They have to exercise supervision on a number of Inspectors. When there is a complaint against an Inspector, the A. S. P. has to enquire and satisfy the public. The D. S. P's. alone will not be able to manage; the Inspectors will not be properly controlled and will be let loose.

MR. N. E. VARUGHESE (*Tiruvalla I*): സർ, ഞാൻ ഈ പ്രമേയത്തെ അനുകൂലിക്കുന്നു. തിരുവിതാംകൂർ ചെറിയ ഒരു രാജ്യമാണ്. അതിൻെറ മൂന്നിൽ രണ്ട് ഭാഗത്തു മാത്രമേ മനുഷ്യവാസം ഉള്ളൂ. ഗതാഗതസൗകര്യങ്ങൾ തിരുവിതാംകൂറിൽ ധാരാളമുണ്ട്; ഗതാഗതങ്ങൾക്കുള്ള വാഹനങ്ങളും ധാരാളമുണ്ട്. തിരുവിതാംകൂറിൻെറ ഒരററത്തുനിന്നും മററെ അററത്തുചെന്നിട്ട്, തിരിച്ചു മററു പല ഭാഗങ്ങളിലും ഒരു ദിവസം കൊണ്ടു സഞ്ചരിക്കാൻ കഴിയുന്ന വിധത്തിൽ വാഹനസമൃദ്ധി ഭാഗ്യവശാൽ ഇവിടെയുണ്ട്. ഇതൊക്കെ ആലോചിക്കുമ്പോൾ തിരുവിതാംകൂറിൽ സമാധാനപരിപാലനത്തിനും കുററകൃത്യങ്ങളെ കണ്ടുപിടിക്കുന്നതിനും, അവ ശിക്ഷയിൽ വരുത്തുന്നതിനും ഇന്നുള്ള ഉദ്യോഗസ്ഥന്മാൎക്ക് ഒരു വിഷമവുമില്ലാതെ നടത്തുവാൻ കഴിയുമെന്നാണ് എനിക്കു തോന്നുന്നത്. അതിലേക്കായി നിയോഗിക്കപ്പെട്ടിട്ടുള്ള ഉദ്യോഗസ്ഥന്മാരുടെ എണ്ണവും ക്രമത്തിലധികം ഉണ്ടെന്ന് ഞാൻ വിചാരിക്കുന്നു. ഇതിൽ കാൺസ്റ്റബിൾമാർ ഹെഡ്കാൺസ്റ്റബിൾമാർ, ഇൻസ്പെക്ടറന്മാർ ഇവരുടെ സംഖ്യ ആവശ്യമുള്ളതിൽ അധികമല്ലാ എന്നു പറയാമെങ്കിലും, അവരുടെ മേൽനോട്ടം വഹിക്കുന്നവരായ മൂന്ന് ഡിസ്ട്രിക്ട് പോലിസ് സൂപ്രണ്ടന്മാരും അവരുടെ കീഴിൽ ഒരു ഡിസ്ട്രിക്ടിനു രണ്ടുവീതം നിയമിക്കപ്പെട്ടിട്ടുള്ള ആറു് അസിസ്റ്റൻറ് സൂപ്രണ്ടന്മാരും ഇന്നു കാണുന്നുണ്ട്. നമ്മുടെ അയൽ രാജ്യങ്ങളായ തിരുനൽവേലി, മധുര, മുതലായ സ്ഥലങ്ങളിൽ കാണുന്നതു കുററക്കാർ ഇല്ലാത്ത ഒരു രാജ്യമാണ് തിരുവിതാംകൂർ. ഇവിടത്തെ ജനങ്ങൾ സമാധാനശീലന്മാരാണ്. വർഗ്ഗീയ മനോഭാവവും വർഗ്ഗീയചിന്തയും ഇന്നു തിരുവിതാംകൂറിൽ കുറഞ്ഞുവരുന്നു എന്നാണ് എൻെറ വിശ്വാസം.

ഈ അഭിപ്രായത്തെ ചിലർ ഒരുപക്ഷേ എതിൎത്തേക്കാം; അതു് സ്വാൎത്ഥതല്പരതകൊണ്ടു ഉണ്ടാകുന്നതാണ്. പുറമെ കാണത്തക്കവണ്ണം വല്ല മത്സരങ്ങളും ഉണ്ടായിട്ടുണ്ടെങ്കിൽ അതു എതാനും ചില വ്യക്തികൾമൂലം ഉണ്ടായിട്ടുള്ളതല്ലാതെ സമാധാനപ്രിയന്മാരായ തിരുവിതാംകൂർ ജനങ്ങളുടെ ഇടയിൽ വർഗ്ഗീയചിന്ത അശേഷമില്ലെന്നു എനിക്കു ധൈര്യസമേതം പറയാൻ കഴിയും. (ഹീയർ, ഹീയർ) സാധാരണയായി ലഹളകൾ നടക്കുന്നതും മററക്രമങ്ങളുണ്ടാകുന്നതും വർഗ്ഗീയചിന്ത അടിസ്ഥാനമാക്കിയാണ്. അത്തരം ലഹളകളോ കലാപങ്ങളോ ഒന്നും തിരുവിതാംകൂറിൽ ഉണ്ടാകുന്നില്ല. അങ്ങിനെയുള്ള ഈ രാജ്യത്തു സമാധാനപാലനത്തിനായി ഇത്രവളരെ മേലുദ്യോഗസ്ഥന്മാരുടെ ആവശ്യമില്ല. ഡി. എസ്. പി. മാരെ സംബന്ധിച്ചും എനിക്കു ചില സംഗതികൾ

[Mr. N. E. Varughese.]

ഈ സഭയെ അറിയിക്കാനുണ്ട്. ഡി. എസ്. പി. മാക്കും ഏ. എസ്. പി. മാക്കും പ്രത്യേകമായി ചെയ്യത്തീർക്കേണ്ട ജോലികൾ ഏതാണെന്ന് എല്ലാജനങ്ങൾക്കും അറിയാൻ കഴിയുന്നതരത്തിൽ വ്യക്തമായ യാതൊരു ചട്ടവട്ടവും ഇല്ലന്നാണ് എനിക്കു തോന്നുന്നതു്. ഒരു ഡിസ്ത്രിക്കിലെ ക്രിമിനൽ ഭരണ നിർവഹണത്തിൽ ആ ഡിസ്ത്രിക്കിലുള്ള ഡി. എസ്. പി. യും രണ്ട് ഏ. എസ്. പി. മാരും അധികാരത്തിലും മററു നിയന്ത്രണവ്യവസ്ഥകൾ ഏർപ്പെടുത്തുന്നതിലുള്ള സ്വാതന്ത്ര്യത്തിലും സമന്മാരായിട്ടാണ് കാണുന്നതു്. ഒരാളിന്റെ നിർദ്ദേശത്തിലോ നടപടികളിലോ മററാളുകൾ കൈകടത്തുക എന്നുള്ളതു സർവ്വസാധാരണമായിത്തീർന്നിട്ടുണ്ട്. ഒരു ഡിസ്ത്രിക്കിൽ ഇങ്ങനെ ഒരേ ജോലിക്കായി ഒരേ അധികാരവും സ്വാതന്ത്ര്യവുമുള്ള ഒന്നിലധികം ഉദ്യോഗസ്ഥന്മാർ ഉണ്ടായിരിക്കുന്നതു പല ന്യൂനതകൾക്കും കാരണമാണ്. ഒരു ഇൻസ്പെക്ടർ ഒരു കേസെടുത്തു നടപടി നടത്തുന്നു എന്നു വിചാരിക്കുക; അപ്പോൾ ഒരു ഏ. എസ്. പി. വന്ന് ആ നടപടി ഇന്നതുപോലെ നടത്തണമെന്നു ആ ഇൻസ്പെക്ടരെ ഗുണദോഷിക്കയോ അല്ലങ്കിൽ മററന്തെങ്കിലും ഉത്തരവുകൾ നൽകുകയോ ചെയ്യുന്നു. ഇതു ഒന്നുകിൽ വാദിക്കോ, അല്ലങ്കിൽ പ്രതിക്കോ അനുകൂലമായിരിക്കയില്ല എന്നുള്ളതു നിശ്ചയമാണല്ലോ. അതിനാൽ ഈ സംഗതി അറിയുന്ന ക്ഷണത്തിൽ അവർ ഡി. എസ്. പിയുടെ അടുത്തു ചെന്നു എത്തും. ഏ. എസ്. പി. ചെയ്യിട്ടുള്ള നടപടികളെ തനിക്കനുകൂലമായ തരത്തിൽ വ്യത്യാസപ്പെടുത്താൻ ഡി. എസ്. പിയെ പ്രേരിപ്പിക്കയും ചെയ്യും. അദ്ദേഹം ചിലപ്പോൾ അതിനു വഴിപ്പെടുന്നു. ഇങ്ങനെ ഉദ്യോഗസ്ഥന്മാർ തമ്മിലുള്ള അഭിപ്രായം വിപരീതമായി വന്നാൽ കേസുകളുടെ സ്വഭാവം സത്യത്തിനെതിരായി സ്വാധീനവും പ്രാബല്യവുമുള്ള കക്ഷികൾക്കനുകൂലമായിത്തീരുവാൻ ഇടയുണ്ട്.

MR. P. C. KURIYAN (*Kottayam I*): ഇൻസ്പെക്ടറന്മാരുടെ മേലുദ്യോഗസ്ഥന്മാർ വേണ്ടാ എന്നാണോ മെമ്പറുടെ അഭിപ്രായം?

MR. N. E. VARUGHESE (*Tiruvalla I*): എന്നു ഞാൻ പറഞ്ഞില്ല. വിപരീതാഭിപ്രായങ്ങളോടുകൂടി പോകുന്ന ഒന്നിലധികം മേലുദ്യോഗസ്ഥന്മാർ ഒരു ഇൻസ്പെക്ടർക്ക് ഉണ്ടാകുന്നതു് നല്ലതല്ലെന്നാണ് എന്റെ അഭിപ്രായം. ഒരു ഇൻസ്പെക്ടരുടെ നടപടികളെ പരിശോധിക്കുന്നതിനും നിയന്ത്രിക്കുന്നതിനുമായി ഏ. എസ്. പിയും ഡി. എസ്. പിയും ഉണ്ടായിരിക്കുമ്പോൾ ഇവർ തമ്മിൽ വ്യത്യസ്ഥനിലയിലിരുന്നാൽ കാര്യങ്ങൾ നീതിയായി നടത്തുന്നതിനു സാമാന്യത്തിലധികം വിഷമതകൾ ഉണ്ടാകും

MR. K. M. KURIAKOSE (*Muvattupuzha II*): അങ്ങിനെ വരുന്നതു ആ വ്യക്തികളുടെ സ്വഭാവദൂഷ്യംകൊണ്ടല്ലയോ?

MR. N. E. VARUGHESE (*Tiruvalla I*): വ്യക്തികളും മനുഷ്യരാണ്. മനുഷ്യർക്കുള്ള കുററവും കുറവും അവർക്കും കാണും. എന്നാൽ, നിയന്ത്രണത്തിനു ഒരാൾ മാത്രമാണ് ഉണ്ടായിരിക്കുന്നതെങ്കിൽ—അതായതു്, ഇടയ്ക്കു നിൽക്കുന്ന ആളുകൾ ഇല്ലാതെയായാൽ—ഇപ്രകാരമുള്ള പ്രലോഭനങ്ങൾക്കു കുറവുവരുമെന്നാണ് ഞാൻ പറയുന്നതു്.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade I*): വ്യക്തികൾക്കു സ്വഭാവദൂഷ്യമില്ലെങ്കിൽ പോലീസുകാരുടെ ആവശ്യംതന്നെയുണ്ടോ?

MR. N. E. VARUGHESE (*Tiruvalla I*): ഇതിനു ഞാൻ മറുപടി പറയണമെന്നു വിചാരിക്കുന്നില്ല. വ്യക്തികളുമുണ്ട്, സ്വഭാവദൂഷ്യങ്ങളുമുണ്ട്, പോലീസുകാരുമുണ്ട്.

MR. P. C. KURIYAN (*Kottayam I*): ഉദ്യോഗസ്ഥന്മാർ കുറയുന്നതുകൊണ്ടു ഈ ദോഷങ്ങൾ കുറയുമെന്നാണോ മെമ്പർ പറയുന്നതു്?

MR. N. E. VARUGHESE (*Tiruvalla I*): അതുകൊണ്ട് ഏ. എസ്. പിമാർ വേണ്ടാ എന്നു വയ്ക്കാം. അങ്ങിനെ ചെയ്യുന്നപക്ഷം അതുനിമിത്തം ഒരു നല്ല സംഖ്യ ഗവൺമെൻറിനു ആദായം വരുന്നതാണ്. നീതിന്യായനടത്തിപ്പിനു ഇതുകൊണ്ടു യാതൊരു ദൂഷ്യവും വരുന്നതുമല്ല. ന്യായമായും സത്യമായും സമാധാനപാലനം നടത്തിക്കൊണ്ടുപോകുവാൻ ഏ. എസ്. പിമാർ ഇല്ലാതിരിക്കുന്നതു നന്നായിരിക്കും. കൂടാതെ രണ്ട് യജമാനന്മാരെ ഒരു ഇൻസ്പെക്ടർക്ക് സേവിക്കേണ്ടതായിട്ടാണ് ഇരിക്കുന്നതു്-ഡി എസ്. പി. പറയുന്നതും ഏ. എസ്. പി. പറയുന്നതും കേൾക്കണം. ഒരേസമയത്തു ഒരേ സംഗതിയെപ്പററി രണ്ടു തരത്തിലുള്ള ആജ്ഞകളാണ് ഒരു ഇൻസ്പെക്ടർക്ക് നിർവ്വഹിക്കേണ്ടതായി വരുന്നതു്. അതു യാതൊരു ഉദ്യോഗസ്ഥനും നിവൃത്തിയില്ലാത്ത ഒരു കാര്യമാണല്ലോ. അതിനാൽ, ഈ ഉദ്യോഗം നിറുത്തുന്നതുകൊണ്ട് ജനക്ഷേമത്തിനും സമാധാനപരിപാലനത്തിനും യാതൊരു ന്യൂനതയും ഉണ്ടാകുവാനിടയില്ല. അതല്ലാ, തിരുവിതാംകൂറിന്റെ സ്ഥിതിക്ക്, സമാധാനപരിപാലനത്തിനും മററുമായി മേൽനോട്ടം വഹിക്കുന്നതിനു കൂടുതൽ ആളുകൾ ആവശ്യമാണെന്ന് ഗവൺമെൻറ് വിചാരിക്കുന്നപക്ഷം എന്റെ സ്നേഹിതൻ മി: താണുപിള്ള അഭിപ്രായപ്പെട്ടതുപോലെ—അദ്ദേഹത്തിന്റെ ചോദ്യത്തിൽനിന്നു ഞാൻ അനുമാനിക്കുന്നതു അങ്ങിനെയാണ്—തിരുവിതാംകൂ

[Mr. N. E. Varughese.]

റിനെ ഒൻപതു ഡിസ്ട്രിക്ട്കളായി ഭാഗിച്ച് ഓരോ ഡിസ്ട്രിക്ടിലും പോലീസ് കമ്മീഷണരുടെ കീഴിൽ സ്വതന്ത്രന്മാരായ ഡി. എസ്. പി. മാരെ നിയമിക്കുന്നതാണ്. ഇപ്പോഴുള്ള വ്യവസ്ഥയെക്കാൾ ഏററവും നന്നായിരിക്കുന്നത്. ഇങ്ങനെ ഏതുപ്രകാരത്തിൽ നോക്കുന്നതായാലും ഏ. എസ്. പി. മാരെ കുറയ്ക്കുന്നതു നന്നായിരിക്കും. അതു രാജ്യക്ഷേമത്തെ ഉളവാക്കുന്നതിനും സമാധാനപരിപാലനത്തെ കൂടുതൽ പ്രയോജനകരമാക്കുന്നതിനും സഹായിക്കയും ചെയ്യും.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Sir, I wish to add a few words in opposing the resolution. It has been argued by the commissioner of Police that unless there is an effective controlling agency everything will not go well with the Police Force. I am at one with him in that statement. That statement will be amply supported by the personal experience of the members of this House. It has been a general complaint that everything does not go well with the ordinary constable in the usual course of life. Sir, who is a Police Constable? Is he not the symbol of peace and safety to the public? But how often we come across misbehaviour on the part of these Constables? What is it due to? I do not think they misbehave on instructions from superior officers. I think it is due to want of proper control over them. This is a resolution to cut down one of the means of that control. And as such I hope, every member of this house will oppose it. The Commissioner, as a responsible officer and as the Head of the Department, has laid before the House that the present system is working well.

MR. P. C. KURIYAN (*Kottayam I*): Am I to understand from the honourable member that he is satisfied with the present Police Force?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I am dissatisfied with the Force but not with the system. My point is that if any member of the controlling agency is reduced, the effect will be disastrous to the public of Travancore.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether the abolition of the A. S. P's. would add to the smuggling of tobacco in the frontier, or would lessen it?

DEPUTY PRESIDENT: The Police are not the persons to prevent smuggling. There is the Excise for that.

MR. S. J. NAIR (*Nedumangad*): They do it in co-operation with the Excise.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I do not think it worth while to answer that question.

MR. P. C. KURIYAN (*Kottayam I*): Is the member satisfied with the Police Force?

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : I am not at all satisfied ?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether the A. S. P. was of any use in preventing the recent unfortunate incidents at Ramangalam ?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): My view is that if an A. S. P. had been there no such unfortunate incident would have taken place. It was the absence of an effective controlling officer of a superior grade that brought about such an unhappy circumstance. No responsible officer whould have allowed such excesses on the part of his subordinates.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): ഇങ്ങനെയാണെങ്കിൽ ഈദൃശങ്ങളായ മേൽനോക്കികളുടെ എണ്ണം വർദ്ധിപ്പിക്കണമെന്ന് ഉദ്ദേശമുണ്ടോ?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): The resolution before the House does not cover that. It urges only for the abolition of A. S. P's. When a reolution to increase the controlling agency is brought forward I shall consider that question.

MR. P. C. KURIYAN (*Kottayam I*) : Is there an A. S. P. for the Reserve Police ?

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : I do not know. I think the Reserve Police are under the direct supervision of the Commissioner. My point is that we should not stand in the way of the present system of control as long as it is satisfactory to the Commissioner of Police. When mistakes occur again the Commissioner may tell us that we did not vote for the necessary controlling agency. We should not give room for such complaint. The more controlling agency there is the less the mischief by the subordinates especially in these days when things go from bad to worse.

Many of the members who supported the resolution had complaints only with regard to the perssonel of the A. S. P's. They also said that the work of the A. S. P's. and D. S. P's. was similar and that therefore there was no necessity for this duplicate controlling agency. Perhaps some of the officers may not be able to do their work properly and there may be collision. That does not mean that the system is bad. If there is any mis-behaviour on the part of any A. S. P. or D. S. P. if there is any conflict between them there is the Head of the Department to come to the rescue. No case has been brought out that the abolition of the A. S. P's. will conduce to the good working of the department. On the other hand, in my opinion, the abolition of A. S. P's. will detrimentally affect the working of the department, especially considering the fact, that the subordinate officers and constables often misbehave even with the present system of control.

MR. P. C. KURIYAN (*Kottayam II*): Does the member refer to ordinary Constables or reserve Constables ?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Both. I was told by one responsible authority of the Police Department that one cannot expect much good behaviour from the ordinary constable, because, the stratum of society from which he is selected at present is such that one cannot expect good behaviour from him always.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): കാൺസ്റ്റബിൾമാരുടെ കൂട്ടത്തിൽ ബി. ഏ. ക്കാരും ഉണ്ടെന്നറിയാമോ?

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I was going to say that. In these days you can get people with education and intelligence in the open market in plenty. It is therefore high time that the department is reorganised with better staff Whenever it is found that a Police man or any Police Officer is unfit, he should be dismissed forthwith, and a proper man should be put instead. On these grounds I am of opinion that the post of A. S. P's. should not be abolished. On the other hand we should try to encourage the system of controlling agencies in the Police Department.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): സർ, ഞാൻ ഈ പ്രമേയത്തെ അനുകൂലിക്കുന്നു. അതു് ഏ. എസ. പി. മാരിൽ ആരോടും ഉള്ള വ്യക്തിപരമായ വിദ്വേഷംകൊണ്ടല്ല. ദീർഘകാലമായി ഇവർ ആവശ്യമില്ലെന്നുള്ള അഭിപ്രായക്കാരനാണു ഞാൻ. ഇതിനെപ്പററി ഈ സഭയിൽതന്നെ പലപ്രാവശ്യവും സംസാരിച്ചിട്ടുണ്ട്. ചിലപ്പോഴെല്ലാം വിജയം നേടീട്ടുണ്ടെങ്കിലും അതുകൊണ്ടു് ഇതുവരെ യാതൊരു ഫലവും ഉണ്ടായിട്ടില്ല. ഇപ്പോഴും ഈ വിഷയത്തെപ്പററി രണ്ടുവാക്കു പറയാതിരിക്കാൻ നിവൃത്തിയില്ല. ഒരു ഡി. എസ്. പി. ക്ക് അദ്ദേഹത്തിന്റെ അധികാരാതിർത്തിയിൽ എന്തെല്ലാം പ്രവർത്തിക്കാനധികാരമുണ്ടോ അവയെല്ലാം ഏ. എസ്. പി-യ്ക്കും ഉണ്ടെന്നാണ് എന്റെ ബോധ്യം. ഇതു ശരിയല്ലെങ്കിൽ പോലീസ് കമ്മീഷണർ എന്നെ തിരുത്തിക്കൊള്ളും. ഒരു സ്ഥലത്തു് ഒരേ ജോലി രണ്ടുപേർ ചെയ്യുന്നതു് കാര്യക്ഷമതയ്ക്കു വിഘ്നമാണെന്നാണ് എന്റെ അഭിപ്രായം. ഒരു കാര്യത്തിനായി, അല്ലെങ്കിൽ അതിന്റെ നിയന്ത്രണത്തിനും പരിശോധനയ്ക്കുമായി രണ്ടുപേരെ വച്ചിരിക്കുന്നതിന്റെ ആവശ്യമില്ല. അഥവാ പരിശോധന കുറേക്കൂടി ഊർജ്ജിതമായിട്ടു നടത്തണമെന്നുണ്ടെങ്കിൽ ഏ. എസ്. പി. യെക്കളഞ്ഞു് കൂടുതൽ ഡി. എസ്. പിമാരെ നിയമിക്കട്ടെ. അവരുടെ അധികാരാതിർത്തിസ്ഥലങ്ങൾ കുറക്കുകയും ചെയ്യണം. അപ്പോൾ ശരിയായ പരിശോധന നടക്കും. അങ്ങിനെ വരുന്നപക്ഷം എന്റെ സ്നേഹിതൻ മി: കുര്യാക്കോസ് പറയുന്നതുപോലെയുള്ള വിഷമങ്ങൾ ഉണ്ടാകുകയില്ല. ഏ.

എസ്. പി. കൂടി ഇല്ലാതിരുന്നതുകൊണ്ടാണ് രാമമംഗലത്ത് ഏതാണ്ട നടന്നത് എന്നദ്ദേഹം പറയുകയുണ്ടായി. അവിടെ എന്തെങ്കിലും അഴിമതികൾ സംഭവിച്ചിരിക്കാം. എന്നാൽ അത് ഏ. എസ്. പി. ഇല്ലാതിരുന്നതുകൊണ്ടാണെന്നു ഞാൻ വിശ്വസിക്കുന്നില്ല. അവിടെയുണ്ടായിരുന്ന റിസർവ് പോലീസിന്റെകൂടെ പോയിരുന്ന ഇൻസ്പെക്ടർക്കു തുല്യനായ ഒരു ഇൻസ്പെക്ടരെ കണ്ടുകിട്ടാൻ വിഷമമാണ്. ഇൻസ്പെക്ടർ മൂത്തതാണല്ലോ ഏ. എസ്. പി. അതുകൊണ്ട് നല്ല ഒരു ഇൻസ്പെക്ടർ ഉണ്ടായിരിക്കുന്നത് ഏ. എസ്. പി. ഉണ്ടായിരിക്കുന്നതിനോടു തുല്യംതന്നെയാണ്. മി. ഉസ്മാന്റെ ഭരണവൈകല്യംകൊണ്ട് മൂവാറ്റുപുഴയിൽ ഈ അനിഷ്ടസംഭവങ്ങൾ ഉണ്ടായി എന്നോ, അല്ലെങ്കിൽ അദ്ദേഹത്തിന്റെ അബദ്ധംകൊണ്ട് ഇതു സംഭവിച്ചെന്നോ ഞാൻ വിശ്വസിക്കുന്നില്ല. എന്തു കാരണംകൊണ്ടാണ് അതുണ്ടായതെന്നു കമ്മീഷണർ വേണ്ടവിധത്തിൽ അന്വേഷണം നടത്തുമെന്നു ഞാൻ വിശ്വസിക്കുന്നു. ഏതായാലും ഏ, എസ്. പി-യുടെ അഭാവംകൊണ്ടാണ് ഇതു സംഭവിച്ചതെന്നു പറയുന്നതിനെ ഒരിക്കലും സാധൂകരിക്കത്തക്കതല്ല. വിപരീതനിലയിൽ ഡി. എസ്. പി-മാരും നിർദ്ദേശങ്ങൾ നൽകിയിരുന്നതുകൊണ്ട് പല ഇൻസ്പെക്ടർമാർക്കും വിഷമതകളുണ്ടായിട്ടുള്ളതായിട്ട് എനിക്കറിയാം. അതിനാൽ ഒന്നുകിൽ ഡി. എസ്. പി. വേണ്ടാ, ഏ. എസ്. പി. മതി എന്നുവയ്ക്കണം. അല്ലെങ്കിൽ ഏ. എസ്. പി-മാർ വേണ്ടെന്നുവച്ചിട്ട്, വേണമെന്നുണ്ടെങ്കിൽ കൂടുതൽ ഡി. എസ്. പി-മാരെ നിയമിച്ച് അവർക്കുള്ള ഭരണാധികാരാതിർത്തി സ്ഥലങ്ങൾ പ്രത്യേകം പ്രത്യേകം തിരിച്ചുകൊടുക്കുകയാണു വേണ്ടത്.

MR. V. RAMAKRISHNA PANICKAR (*Karthikapalli II*): I wish to add a few words by way of reply. The Police Commissioner stated that by the maintenance of such officers it would give an incentive to some of the lower officers in the department to do good work and to aspire for higher places. What I wish to say is that the taxpayers' money should not be expended for creating incentive. So, that argument cannot hold good. Then many of the honourable members here have made several other suggestions also. One of them is that the places of A. S. P's. may be abolished and that the whole State may be divided into several districts, each district being put in the charge of a D. S. P. Since the Commissioner is not agreeable to that course I would press the resolution to a division.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): May I add one word?

DEPUTY PRESIDENT: Yes.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): The A. S. P. is under the direct control of the D. S. P., so that he is only a subordinate officer. It is rather very strange to hear the members saying that there is conflict of control between these two sets of officers.

MR. V. RAMAKRISHNA PANICKAR (*Karunakapalli II*): So far as the work is concerned, is the A. S. P. a subordinate officer of the D. S. P.?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): The A. S. P. is completely a subordinate officer of the D. S. P.

MR. P. C. KURIYAN (*Kottayam I*): Has the Commissioner come across any case in which he could not control an A. S. P.?

DEPUTY PRESIDENT: That question does not arise.

MR. P. C. KURIYAN (*Kottayam I*): May I know whether he has come across any instance of conflict between the A. S. P. and the D. S. P.?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): No. The whole trouble is due to the fact that a certain A. S. P. acted differently from the suggestion of the honourable member in a certain case (*Laughter*). I am certainly sorry that the honourable member is bringing into this Assembly a case of individual interest.

DEPUTY PRESIDENT: But he did not mention the case.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know whether the Commissioner is aware of that individual case?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I shall even give the number of the case for the information of the House.

DEPUTY PRESIDENT: Let me explain. The honourable member who put the question may or may not have any particular fact in his possession. If Mr. Kuriyan attempted to put that fact before the House at this stage I should not have allowed it. What he has done is merely to put a question; it is possible that the Commissioner may or may not know of the particular case. The question being a general one, a general answer may be given.

MR. A. THANU PILLAI (*Trivandrum—Rural*): My question was more definite.

DEPUTY PRESIDENT: I was referring to Mr. Kuriyan's question.

MR. A. THANU PILLAI (*Trivandrum—Rural*): My question was whether the Commissioner is aware of that case.

DEPUTY PRESIDENT: No individual case was mentioned in this House and therefore I disallow the question.

MR. A. THANU PILLAI (*Trivandrum—Rural*): The Commissioner referred to one individual case. Therefore I wanted to know about the case.

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I referred to two cases, a case and a counter-case in which the honourable member, Mr. Kuriyan was very badly involved.

MR. M. SIVATANU PILLAI (*Tovala*) : On apoint of order Sir. When Mr. Kuriyan put a general question to the Commissioner, was the Commissioner in order in saying that one honourable member of the House has brought individual cases and so forth? The plain question put by Mr. Kuriyan was whether the Commissioner had come across any instance of conflict of duty between the A. S. P. and the D. S. P. Is it appropriate on the part of the Commissioner to say that it was a personal matter and that the member was involved in a case, and so on?

DEPUTY PRESIDENT : It struck me that that line of argument need not be pursued. I pointed out that for the attention of the House.

MR. M. SIVATANU PILLAI (*Tovala*) : Was the Commissioner in order, Sir?

DEPUTY PRESIDENT : That point has been disposed of already.

The resolution was put to vote and lost.

MR. V. T. CHACKO (*Muvattupuzha I*) : Sir, I demand a poll.

A poll was taken and the House divided as follows :—

AYES—23.

1 Mr. A. Atchuthan
2 „ V. T. Chacko
3 „ A. S. Damodaran Asan
4 „ A. Easwara Pillai (Kalkulam II)
5 „ A. Easwara Pillai (Kottarakara)
6 „ S. J. Nair
7 „ K. P. Krishna Menon
8 „ N. K. Krishna Pillai
9 „ K. Kunjukrishna Pillai
10 „ P. C. Kuriyan
11 „ M. K. Madhavan Pillai
12 „ K. A. Narayana Pillai
13 Mr. Pacode A. Narayana Pillai
14 „ S. Nilakanta Pillai
15 „ K. Padmanabhan
16 „ Kainikkara M. Padmanabha Pillai
17 „ V. Ramakrishna Panickar
18 „ R. Raman Pillai
19 „ R. Sivaraman Nair
20 „ M. Sivatanu Pillai
21 „ A. Thanu Pillai
22 „ N. E. Varughese
23 „ T. P. Velayudhan Pillai

NOES 24.

1 Mr. N Abdur Rahiman Sahib
2 „ T. K. Alexander
3 „ C. V. Chandrasekharan
4 „ K. George
5 Mrs. Hepzibah Gnanasikamony
6 Mr. M. Mahomed Haneef
7 „ J. M. Joseph
8 „ T. C. Joseph
„ N. Kesava Panickar
10 „ T. T. Kesavan Sastri
11 „ K. M. Krishnan
12 „ T. Krishna Pillai
13 „ C. Kumara Das
14 Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai
15 Mr. K. M. Kuriakose
16 „ C. O. Madhavan
17 „ K. Madhava Kurup
18 „ K. R. Narayana Aiyar
19 Srimathi T. Narayani Amma
20 Mr. G. Nilakantan
21 Maha Kavi Rao Sahib S. Paramesvara Aiyar
22 Mr. Kayalam Paramesvaran Pillai
23 „ R. Pitchu Aiyangar
24 Rao Bahadur A. Rengaswami Aiyar

NEUTRALS—4.

1 Mr. Antony George
2 „ M. K. Janardhana Kammath
3 Mr. S. Thiraviam Nadar
4 „ P. K. Thomas

THROWING OPEN OF SCHOOLS, SATRAMS AND ROADS TO ALL CLASSES OF PEOPLE.

MR. K. M. KRISHNAN (*Ambalapuzha II*): സർ, ഏതാനും ചില സത്രങ്ങളിലും റോഡുകളിലും ഇനിയും എല്ലാ സമുദായക്കാർക്കും ഒന്നുപോലെ പ്രവേശനസ്വാതന്ത്ര്യം ഇല്ലാതെയാണിരിക്കുന്നതു. എന്നാൽ ൧൧൧൨ തുലാം ൨൭-ാംനു പുറപ്പെടുവിച്ച ക്ഷേത്രപ്രവേശനവിളംബരംകൊണ്ടു ഈവക ന്യൂനതകൾ പരിഹരിക്കാവുന്നതായാൽ ഈ പ്രമേയം ഇപ്പോൾ അവതരിപ്പിക്കണമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല.

CULTIVATION OF TOBACCO.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I wish to move the following resolution:—

"*This Assembly recommends to the Government that the prohibition against the cultivation of tobacco be removed*"

It is admitted on all hands that every possible step must be taken for promoting the national prosperity.

MR. T. K. KRISHNA PILLAI (*Neyyattinkara II*): I wish to know from the member whether at present there is any complete prohibition against the cultivation of tobacco?

MR. A. S. DAMODARAN ASAN (*Mavelikara*) Under the present law without necessary rules there is complete prohibition. The attempt of the Government as well as the people is to find out means of giving employment to as large a section of the unemployed as possible. It is also the anxious consideration of the general public that the economic drain of our State must be brought to the minimum possible. Tobacco has become almost a necessity as far as our people are concerned. We are importing tobacco to the value of about Rs. 50 lakhs annually and the Government are getting an income of Rs. 20 to 24 lakhs per annum. By this resolution I do not want to reduce the revenue which the Government derive from tobacco, but I want to see that our State becomes self-sufficient at least as far as tobacco is concerned, and the present abnormal drain under this head is stopped altogether. With regard to the question that has been put by my friend Mr. T. Krishna Pillai whether there is at present absolute prohibition of the cultivation of tobacco I may tell the House that, in practice, there is absolute prohibition. There was prohibition of tobacco cultivation in the State. But the Government themselves thought that it was

desirable that that prohibition was removed and that facilities were given for the cultivation of tobacco. With that view the Government enacted Regulation I of 1087, i.e., the Tobacco Regulation. In the Statement of Objects and Reasons of that Regulation it is stated —

> "The chief point on which the Bill departs from the previous Regulations is a provision permitting the cultivation of indigenous tobacco under necessary safeguards. No explanation can now be seriously required for opening a fresh and profitable industry to the people, without seriously telling upon the revenue of the State. In more than one Session of the Sri Mulam Popular Assembly, representations have been brought forward, requesting permission for the cultivation of tobacco. It is desirable to afford the people reasonable facilities for the cultivation of the article, providing at the same time, whatever precautions may be necessary in the interest of revenue".

With that object Regulation I of 1087 was passed twenty-five years ago. In Section 4 of that Regulation it is stated:—

> "Except as permitted by this Regulation, or by any other enactment relating to tobacco for the time being in force, or by the Rules published under this Regulation or under any such enactment, no one shall
>
> (*a*) cultivate, (*b*) manufacture, (*c*) possess, (*d*) transport (*e*) import, (*f*) export, or (*g*) sell tobacco."

So, if no rules have been framed during all these 25 years the effect has been that no person shall cultivate tobacco. So it is absolute prohibition. In 1087, Government said that much argument was not needed to open up a new field for carrying on a new industry like tobacco cultivation. After this the necessity for removing the ban on tobacco cultivation was brought to the notice of Government by a resolution in the Legislative Council in December 1927. At that time when the discussion was proceeding the then Director of Agriculture and the present Chief Secretary to Government said that by cultivation of tobacco, in one acre of land a profit of Rs. 400 could be derived. (Mr. G. Nilakantan: I question that). This is what I find in the offficial proceedings. Sir, I cannot find a better authority than Dr. Kunjan Pillai on this subject and his opinion is found in the published proceedings.

DEPUTY PRESIDENT: You need not give heed to what is being said behind you.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): But that is causing some interruption to my speech.

DEPUTY PRESIDENT: Unless that member of the House has got anything definite to say in the proper way it requires that you need not notice it.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): This is what is stated in page 204 of the proceedings:—

> "DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*:) I am told that in places where they cultivate tobacco they invest about Rs. 100 for farmyard manure and about 40 to 50 rupees for chemical manures and the total cost of cultivation will be about Rs. 400 per acre. In this respect tobacco is like sugarcane crop. If a person invests about Rs. 400 per acre, he is sure to get about Rs. 800 income so that he will get a net profit of about Rs. 400......
>
> "MR. K. SIVARAMA PANICKAR (*Shertala*): May I know the amount of tobacco that can be produced in one acre of land ?

[Mr. A. S. Damodaran Asan-]

"Dr. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries:*) That depends upon the conditions of the soil and climate. The average may be taken as 1300 lbs per acre, or even more provided the soil is fertile and is heavily manured."

DEPUTY PRESIDENT: Did he say that there is plenty of land in Travancore for that?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): He said that that requires investigation. Further on, he says:

"I have not tried tobacco cultivation myself. As a matter of fact, I only say what I have read in books and heard from other people. This question of tobacco cultivation was brought up in the Sri Mulam Popular Assembly. Then Government wanted to make an experiment and I suggested that somebody might be deputed to Jaffna to study the conditions obtaining there in regard to cultivation of tobacco. Subsequently, the proposal, was dropped."

That is what happend then.

MR. M. SIVATANU PILLAI (*Tovala*): May I inform the member that, even before 1087, tobacco was being cultivated in South Travancore near Arambaly?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): That is what my friend said in the course of discussion on that oceassion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar-Vakil*): Does the esimated profit of Rs. 400 per acre include the duty charged on tobacco?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I do not know. Duty has to be fixed only after we begin cultivation. There is no excise duty on tobacco cultivation at present.

And, the Excise Commissioner has replied as follows: On page 229 it is stated thus:—

"In view of the strong feeling that exists in the House, the Director of Agriculture will be asked by Government to make experiments in tobacco cultivation. If they produce promising results and if applicants for license thereafter come forward the question of framing rules under Section 31 of the Tobacco Regulation will be considered".

On that promise we relied. That promise was made in 1927, and now we are in 1937. It is clear that Government themselves admitted that it was a matter on which earnest attention would be paid and it would be their endeavour to ascertain whether tobacco could be successfully cultivated, and if so in which parts of the state it could be done. We were assured that after both these questions were decided, rules would be framed under Section 31 of the Tobacco Regulation.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does the member suggest that every body should be given the right to cultivate tobacco without any control?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, in the programme that I have stated I do not want to make any proposal which would bring down Government revenue. My main object in bringing forward this resolution is to see that we are enabled to carry on an industry, which it

is possible to carry on in this country both for the purpose of minimising the drain on our revenue, due to the importing of tobocco, as well as to make our State self-sufficient as far as this product is concerned. We are now importing tobacco from Jaffna, Coimbatore and other places; and as a matter of fact we heard two days back how much leakage of revenue there was in tobacco revenue and how much advantage was being taken, by unscrupulous adventures on the frontier. There we are not able to collect any revenue on that head. Our State is getting Rs. 20 lakhs every year as revenue from tobacco. If, in our State, sufficient lands are available for its cultivation it would be possible for us not only to have enough tobacco for our use but we can export it as well. Now we mainly depend on Jaffna and Ceylon for tobacco; and we know that we are in competition with Ceylon with regard to our cocoanut products. The need for tobacco is so keenly felt that those who use it could not give up that practice. We have delayed too long in solving this emergent problem and the Government can have absolutely no excuse to offer for not framing the necessary rules to enable the people to carry on tobacco cultivation. Moreover, when this question was raised in the Public Accounts Committee last year, the members representing this House were told by the Government that "the rules regarding tobacco cultivation were being considered, and after they were passed applications for cultivation of tobacco will be considered". That promise was made out 8 months back; and we have heard nothing further. Under these circumstances I submit that Government should readily accept the spirit of my resolution and avoid further delay in this matter.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I have great pleasure in seconding the resolution moved by my friend Mr. Asan. I do not think there is any necessity to bring in further arguments to make this resolution acceptable to this House. Nor do I think that the Government will have any satisfactory explanation to offer for the delay caused in framing rules. But I wish to point out one thing at this juncture. When the Public Accounts Committee meets and raises questions and the Government gives satisfactory answers, we drop those questions on those assurances in the belief that the Government would be true to their words. But, Sir, we are now so pessimistic that I even doubt whether the rules have been framed at all. I was told at the sittings of the Public Accounts Committee that the Government were considering the rules. I am given to understand that the rules have not yet been framed. Whatever that be, I wish to point out the paramount necessity of investigating this question thoroughly for making it possible for us to experiment on this cultivation. We must ascertain also how many acres of land will be available for this cultivation. Sir, the Mysore Budget for this year reveals the potentialities of tobacco revenue, provided, the cultivation can be carried on successfully in the State. We find from their report that the Government of Mysore has found it possible to cultivate the best kind of Virginian tobacco in their State. They have also found out that about 1,00,000 acres of

[Mr. K. Kunjukrishna Pillai.]

land are suitable for the cultivation in Mysore. They are investing very large sums of money on the scheme; and it has been found from the budget speech that the Government of Mysore places very high hopes on the possibilities of the success of tobacco cultivation in that State. Sir, there is absolutely no reason for this delay except the apathy of departments directly connected with this business and the lethargy of Government in this matter in spite of the repeated attempts on the part of the non-official side to bring to their attention this matter. Apart from the question of direct gain to the people and to the Government there is also the question of retaliating Ceylon for what she has done and is doing in regard to our cocoanut products. This is the only possible way of hitting her, however lightly it may be. Sir, the question of Government revenue has also to be considered in a matter like this. I do not think there will be any objection if Government propose by particular ways leasing out land or allowing cultivation of tobacco under a system of licenses. Those are all matters of detail. The Government have not yet moved in the matter. They have not yet worked out even the preliminaries. So, it is now too premature for us to discuss on those details. Firstly we must find out whether there are enough lands available for cultivation. Secondly, we must find out the possibilities of cultivating useful tobacco, for, the Excise Commissioner has often said that the people would not like the tobacco that we are to grow here, and that it would be impossible to get the taste of Jaffna tobacco as they adopt a special curing process. Sir, there is nothing like impossibility in this matter. It has been found possible by the Mysore Government to so cure tobacco that it could well compete with the flavour of pure Virginian type. I think, the Government will look into this question seriously and try to work out a practical scheme with a view to make it possible for the people and the Government to make a substantial gain from this new and profitable industry. In Mysore it has been proved to be a profitable industry. In some places in that State, I am told other crops are being displaced by tobacco. I do not know whether there is enough lands in our State suitable for tobacco cultivation. At any rate it requires serious consideration. With these words, I second the resolution moved by my friend Mr. Asan.

DEPUTY PRESIDENT: In considering this resolution I hope honourable members will keep in view the fact that the Government have more than once promised to do whatever necessary to enable tobacco to be cultivated in Travancore. I say this because in the light of that fact discussions of a certain character may not be necessary. So, I propose to call upon the Excise Commissioner to make his statement.

MR. C. O. MADHAVAN (*Excise Commissioner*): To begin with, I concede that as stated by Mr. Asan, the ban on the cultivation of tobacco in our State still continues, for all practical purposes. Mr. Asan has taken us through the early history of the proposal for permitting people to cultivate tobacco in the State and the action taken by

Government from time to time in that direction. There is no use now in covering the same ground, or in narrating the various stages of the progress made towards the fulfilment of that objective. I would content myself with saying that the rules are very near being finally passed. Mr. Kunjukrishna Pillai, in his speech was inclined even to disbelieve this, and to throw the blame at the Government that they are not true to the statement which they made before the Public Accounts Committee that they were considering the rules. I do not know on what authority Mr. Kunjukrishna Pillai siad that the rules had not been even framed.

DEPUTY PRESIDENT: The expression "considering the rules" bears two interpretations, (1) considering the rules before they are actually framed, and (2) considering the rules after they are made. Mr. Kunjukrishna Pillai expressed himself in good faith.

MR. C. O. MADHAVAN (*Excise Commissioner*): What Mr. Kunjukrisha Pillai specifically said was that according to his information the rules had not been framed. I may tell him and the other members of the House, that the rules were framed and published in the Government Gazette more than a year ago. I did not expect such a remark from a responsible member of the House.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know the date of the Gazette in which the rules were published?

MR. C. O. MADHAVAN (*Excise Commissioner*): I did not note down the date as I did not anticipate this question.

The draft rules were published with a view to invite objections or criticisms from the public as they relate to a very important matter, the cultivation of tobacco. If the cultivation of tobacco is not properly supervised and controlled the Government as well as the people will lose heavily. As I said two days ago, in reply to an interpellation, Government get over Rs. 21 lakhs as revenue from ordinary tobacco alone.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Do the rules relate to the cultivation of Coimbatore tobacco alone or include Jaffna tobacco also?

MR. C. O. MADHAVAN (*Excise Commissioner*): The rules relate to the cultivation of all kinds of tobacco. As a matter of fact, the difference between Coimbatore and Jaffna tobacco lies only in the method of curing.

MR. A. THANU PILLAI (*Trivandrum-Rural*): When it is cultivated will it not be Travancore tobacco?

MR. C. O. MADHAVAN (*Excise Commissioner*): It is left to the people to grow whatever kind of tobacco they like.

As I said the rules were published with a view to invite criticisms. The Government waited, and nobody offered any new suggestion or criticisms. None of the honourable members who seem to be eager to see that the Government remove the ban, cared to go through the rules. To my knowledge, not a single criticism or observation has been received after the rules were published in the Government Gazette.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know where was the difficulty for Government to finally pass the rules ?

MR. C. O. MADHAVAN (*Excise Commissioner*) : I am coming to that.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : May I know whether any time limit was fixed for offering criticisms ?

MR. C. O. MADHAVAN (*Excise Commissioner*): No. The draft rules were simply published inviting criticism.

DEPUTY PRESIDENT : I may intervene at this stage for a very definite purpose. Although the Excise Commissioner is not able to give the date, he knows that it has been published and the House will take his words as authoritative. But unless it is stated in the Gazette that the rules be confirmed and accepted only after a certain number of persons signified their assent there would be no good served in making any particular defence. The fact that nobody has objected means probably that the rules were drawn by very intelligent hands leaving nothing to be desired.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): How long is it since the rules were published ?

MR. C. O. MADHAVAN (*Excise Commissioner*) : More than a year ago.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Why were the rules not finally adopted ?

MR. C. O. MADHAVAN (*Excise Commissioner*) : The rules were published, and the Government awaited criticism. No criticism was forth-coming. The rules as drafted were then referred to the Law Officers; they examined the rules and suggested certain modifications. The rules were then sent back to me. I have finally revised the rules and submitted them to Government. I think in the course of a few weeks the rules will be finally passed and published in the Gazette.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*) : May I know whether the Department of Agriculture has been consulted at any stage before or after the framing of the rules ?

MR. C. O. MADHAVAN (*Excise Commissioner*) : The Department of Agriculture has expressed the opinion as to the suitability of the land for cultivation.

Before giving the power to cultivate tobacco Government wanted to know how far people will be able to take advantage of the privilege. But it was thought that that would delay matters further. So, it was decided to leave it to the people to select suitable places to start cultivation.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether the Commissioner had any idea as to the availability of suitable land in Travancore, at the time when he framed the draft rules ?

MR. C. O. MADHAVAN (*Excise Commissioner*) : I am not entirely devoid of all ideas in the matter.

MR. M. SIVATANU PILLAI (*Tovala*) : If so, may I know the approximate extent of land available for cultivation in Travancore ?

MR. C. O. MADHAVAN (*Excise Commissioner*): That is a question for the people interested in the matter.

MR. M. SIVATANU PILLAI (*Tovala*): May I know ... ...

DEPUTY PRESIDENT: He said that he was not devoid of all information. That is to say, he knew that there were lands and he would leave it to the people to investigate and select suitable lands.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether he kept in his mind, when he drafted the rules, the question of availability of lands?

MR. C. O. MADHAVAN (*Excise Commissioner*): Rules are framed under the impression that there is land available for cultivation. That was the opinion of the then Director of Agriculture, read out by Mr. Damodaran Asan. There was no necessity for further investigation. We were more interested in passing the rules than in ascertaining the accurate extent of lands.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I wish to know whether, in pursuance of what the Excise Commissioner said in 1927 that Government will ask the Agricultural Director to carry on experiments, anything has been done?

MR. C. O. MADHAVAN (*Excise Commissioner*): When the question was taken up by me it was considered whether we should have, before framing the rules, an experimental cultivation or whether we would frame the rules straight away and permit people to cultivate tobacco. Government decided that they would better pass the rules and leave the responsibility to the people. The rules will be passed in the course of a few weeks.

DEPUTY PRESIDENT: Honourable members fear that unless proper experiments are made, the producers may lose, as they have no experience in the matter.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): May I know whether excise revenue is not going to be realised once the cultivation is started.

MR. C. O. MADHAVAN (*Excise Commissioner*): Even on tobacco grown in Travancore, excise duty will be levied; otherwise Government will lose their tobacco revenue.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): In that case how can free cultivation be allowed anywhere and everywhere?

MR. C. O. MADHAVAN (*Excise Commissioner*): Nobody said free cultivation will be allowed.

DEPUTY PRESIDENT: In the light of what the Excise Commissioner has stated, that he considered the point of view of his department more than the agricultural possibility, and the opinion of the Director of Agriculture formerly as referred to by Mr. Damodaran Asan, he need not advert further to it.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): In the light of the statement, may I be permitted to say that the house is very anxious to know what the Director of Agriculture has to say on the matter?

DEPUTY PRESIDENT : Order, Order. I should certainly have allowed that question, if the Excise Commissioner had not stated that all those questions were considered by him. He has definitely said that he was only at the stage of framing the rules and he sent a draft to Government. In the light of what he has stated the point need not be urged.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Sir, I would respectfully point out the desirability of this House knowing the opinion of the Director of Agriculture.

DEPUTY PRESIDENT: The House has to take its chance. There is no use of pursuing that question.

MR. G. NILAKANTAN (*Nominated*): May I know whether the Excise Commissioner is aware that tobacco grows in every part of Travancore?

MR. C. O. MADHAVAN (*Excise Commissioner*): I am not aware of it, Sir.

MR. G. NILAKANTAN (*Nominated*): Is he aware of the fact that in every taluk, his subordinates are destroying tobacco every year?

MR. C. O. MADHAVAN (*Excise Commissioner*): I am not aware of it either, Sir.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know what are the restrictions that are imposed upon tobacco cultivation according to the rules?

MR. C. O. MADHAVAN (*Excise Commissioner*): For the cultivation and curing of tobacco licenses will have to be taken.

DEPUTY PRESIDENT : Order, order. The resolution reads like this.

"This Assembly recommends to the Government that the prohibition against the cultivation of tobacco be removed".

That is the sole question before the House. The rules may be good or bad. But all those discussions do not come in at this stage.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, may I know whether the rules after they have been amended by the Law Member and scrutinised by the Excise Commissioner, were published in the Gazette?

MR. C. O. MADHAVAN (*Excise Commissioner*): No, Sir.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I take it that that will be the final form?

MR. C. O. MADHAVAN (*Excise Commissioner*): Yes.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether t will be published for public criticism?

MR. C. O. MADHAVAN (*Excise Commissioner*): Nct likely.

MR. N. E. VARUGHESE (*Tiruvalla I*): സർ, തിരുവിതാംകൂറിലെ ഭരണയന്ത്രം എത്രയോ സാവധാനത്തിലാണു തിരിയുന്നതു്. ജനങ്ങളുടെ ക്ഷേമത്തിൽ ഗവൺമെന്റിനുള്ള അനാസ്ഥയുടെ ഏററവും പരിതാപകരമായ ഒരു ദൃഷ്ടാന്തമാണു വാദവിഷയമായ പുകയിലകൃഷി. പുകയിലകൃഷി തിരുവിതാംകൂറിൽ വളരെക്കാലം മുൻപുമുതൽ നടപ്പിൽ

വരുത്തേണ്ട അത്യാവശ്യമായ ഒരു കാൎയ്യമായിരുന്നു. അതുനിമിത്തം ജനങ്ങൾക്കു തൊഴിലും, ഗവൺമെൻറിനു കൂടുതൽ ആദായവും ഉണ്ടാക്കാൻ കഴിയുമെന്നു ഗവൺമെൻറിനെ ധരിപ്പിക്കുകയും അതിൻെറ ഫലമായിട്ട് അതിനുവേണ്ടി ചിലതെല്ലാം ചെയ്യാമെന്നു ഗവൺമെൻറ് വാഗ്ദത്തംചെയ്യുകയും ഉണ്ടായി എങ്കിലും ഇതുവരെ യാതൊന്നുംതന്നെ ഗവൺമെൻറിൽനിന്നും ചെയ്യാതിരുന്നിട്ടുള്ളതും ചെയ്യാതിരുന്നിട്ടുള്ളതും ആലോചിക്കുമ്പോൾ വളരെ സങ്കടം തോന്നുന്നുണ്ട്. തിരുവിതാംകൂറിലെ ഏറിയകൂറും ആളുകൾക്കും പുകയില ഒഴിച്ചുകൂടാത്ത ഒരു സാധനമാണ്. ഇപ്പോൾ തിരുവിതാംകൂറിലേക്ക് ഇറക്കുമതിചെയ്യുന്നതായ പുകയില ഏതോ ചില രാജ്യങ്ങളിൽനിന്ന് എങ്ങിനെയെല്ലാമോ ഉണ്ടാക്കി അയക്കുന്നു. അത് എങ്ങിനെ ഉണ്ടാക്കി അയയ്ക്കുന്നു എന്നു നമുക്കു നിശ്ചയമില്ല. ഒഴിച്ചുകൂടാൻ വയ്യാത്ത ഒരു സാധനമായതുകൊണ്ടു കയ്യിൽകിട്ടുന്ന തരത്തിലെല്ലാം മനുഷ്യർ ഉപയോഗിക്കുകയാണു ചെയ്യുന്നത്. വിഷംചേൎത്താണോ അതോ മനുഷ്യർക്കു ശരിയായി ഉപയോഗിക്കത്തക്ക നിലയിലാണോ അവർ പുകയില ഇങ്ങോട്ടയയ്ക്കുന്നത് എന്നു ആൎക്കും നിശ്ചയമില്ല. അതുനിമിത്തം നമുക്കു ചില രോഗങ്ങളും ഉണ്ടാകാറുണ്ടെന്നു ഡാക്ടർമാരും പറയുന്നു. അതിനാൽ ഏതാനും ചില വിദഗ്ദ്ധന്മാരുടെ മേൽനോട്ടത്തിൽ ഈ നാട്ടിൽ നാംതന്നെ പുകയില കൃഷി ചെയ്യുന്നപക്ഷം ഈവക ഭയത്തിനുള്ള അവകാശം ഉണ്ടാകുന്നതല്ല. പുകയിലകൃഷി തിരുവിതാംകൂറിൽ നടത്തി ആദായം എടുക്കാമെന്ന് ഇവിടത്തെ ഏററവും പ്രശസ്തനായ ഒരു ഉദ്യോഗസ്ഥൻ ഏറിയനാൾ മുൻപുതന്നെ ഗവൺമെൻറിനെ ധരിപ്പിക്കുകയുണ്ടായി. ജനങ്ങളുടെ ക്ഷേമത്തെ ശരിയാംവണ്ണം നോക്കിക്കൊണ്ടിരിക്കുന്ന ഒന്നാണ് നമ്മുടെ ഗവൺമെൻറെങ്കിൽ ഇങ്ങനെയുള്ള സംഗതികളിൽ ഇത്ര വലിയ അമാന്തം വരുത്തുന്നത് എന്തുകൊണ്ടാണ്? ജനങ്ങൾക്കുവേണ്ടിയുള്ള ഗവൺമെൻറല്ല, ഗവൺമെൻറിനുവേണ്ടിയുള്ള ജനങ്ങളാണ് ഇവിടെയുള്ളത് എന്നു ചിലപ്പോൾ ചിലർ പറയുന്നതു കൂടിവച്ച് ആലോചിച്ചുനോക്കുമ്പോൾ ഗവൺമെൻറിന് ഇതിൽ എന്തോ എതിരഭിപ്രായം ഉണ്ടെന്നു കൂടി തോന്നിപ്പോകുന്നു.

DEPUTY PRESIDENT: Mr. Varughese, this is no motion for censuring Government. If it were one I would have allowed you greater latitude. In this case the Government have acknowledged the justice of the demand. The Excise Commissioner on behalf of Government, has made a very clear statement that in a few weeks the rules will be published and then the cultivation of tobacco can be taken up. I am

[Deputy President.]

saying this because I heard Mr. Varughese say that the Government have been guilty. They might have been, but at present that does not arise in the light of the statement made by the Excise Commissioner.

MR. N. E. VARUGHESE (*Tiruvalla I*) സർ, പുകയിലകൃഷി ചെയ്യുന്നതിനുള്ള തടസ്സങ്ങളെ നീക്കിക്കിട്ടണമെന്നു പറയുന്നതു് ജനങ്ങളുടെ ആവശ്യം അത്യധികം ഉണ്ടായിട്ടാണു്. തൊഴിലില്ലായ്മ പരിഹാരമുണ്ടാക്കുകയും അവരവർ കൃഷി ചെയ്തുണ്ടാക്കുന്ന സാധനങ്ങൾ അവരവർക്കുതന്നെ ഉപയോഗിക്കുകയും ചെയ്യാമല്ലോ എന്നു കരുതിയാണു് ഈ ആവലാതികൾ കൊണ്ടുവരുന്നതു്. ഇങ്ങനെയുള്ള ഏററവും പ്രധാനമായ സംഗതികളിൽ ഗവണ്മെൻറു് ഈവിധത്തിലുള്ള അനാസ്ഥ കാണിക്കുന്നതു് ഒരിക്കലും അഭിലഷണീയമായിരിക്കുകയില്ല. ഇതിനെ സംബന്ധിച്ചു ഏതാനും ചില ചട്ടങ്ങൾ ഗവണ്മെൻറു നിർമ്മിച്ചു ഗസററിൽ പരസ്യംചെയ്തിരിക്കുന്നു എന്നു പറയുകയുണ്ടായി. എന്നാൽ കൃഷിഡിപ്പാർട്ടുമെൻറിൽനിന്നും ഈ കൃഷി നടത്തി, ഇതു് ആദായകരമാണു്, ഇന്നയിന്ന സ്ഥലങ്ങളിൽ കൃഷി നടത്താം എന്നുംമററും കണ്ടുപിടിക്കുന്നതിനുള്ള യാതൊരു പരീക്ഷണങ്ങളും നടത്തിയതായിട്ടു അറിയുന്നില്ല. ഈവക സംഗതികളിൽ കൃഷിഡിപ്പാർട്ടുമെൻറിനെക്കൊണ്ടു വേണ്ട പരീക്ഷണങ്ങൾ നടത്തിച്ചു ഈ കൃഷി സംബന്ധിച്ച സകലവിധമായ അറിവുകളും സമ്പാദിച്ചു് ഇതിനെ ഏതെല്ലാം മാർഗ്ഗങ്ങളിൽക്കൂടി പ്രയോജനപ്പെടുത്താമെന്നു ജനങ്ങളെ ധരിപ്പിക്കേണ്ട ചുമതല ഗവണ്മെൻറിനുണ്ടായിരുന്നു. ആ ചുമതല കൃഷിഡിപ്പാർട്ടുമെൻറിനും ഉണ്ടായിരുന്നതാണു്. കൃഷിഡിപ്പാർട്ടുമെൻറുമായി ആലോചിച്ചു അവരെക്കൊണ്ടു വേണ്ട പരീക്ഷണങ്ങളും നടത്തിച്ചു, ഈ കൃഷിയുടെ നന്മയെപ്പററി ജനങ്ങളെ അറിയിക്കാമെന്നു മുൻപൊരവസരത്തിൽ ചെയ്ത പ്രസ്താവന അനുസരിച്ചു ഗവണ്മെൻറിനു അതു ചെയ്യാമായിരുന്നതേയുള്ളു. എന്നാൽ ഇതുവരെ യാതൊന്നും നടത്തിയിട്ടില്ല. അപ്പോൾ, ജനങ്ങൾ ഈ കൃഷി ചെയ്തുകൂടാ എന്നാണു ഗവണ്മെൻറിൻെറ വിചാരമെന്നു തോന്നിപ്പോകുന്നു. പുകയിലകൃഷി തിരുവിതാംകൂറിൽ നടത്തിക്കൂടാ, അങ്ങിനെ ചെയ്താൽ ഗവമെൻറിനു് ഇപ്പോൾ കിട്ടിക്കൊണ്ടിരിക്കുന്ന ആദായത്തിനു് കുറെ കുറവുവരും, അതുകൊണ്ടു് ഈ കൃഷി തിരുവിതാംകൂറിൽ നടക്കരുതെന്നുള്ള ഒരു മനോഭാവം ഗവണ്മെൻറിനില്ലേ എന്നു ഞാൻ സംശയിക്കുന്നു. ഇപ്പോൾ ഈ പ്രശ്നം ഈ സഭയുടെ മുൻപാകെ വീണ്ടും കൊണ്ടുവന്നിരിക്കുന്നതുകൊണ്ടു് എത്രയും വേഗത്തിൽ

ഈ കൃഷി നമ്മുടെ രാജ്യത്തു നടപ്പാകത്തക്കവണ്ണം വേണ്ട എല്ലാം നടപടികളും നടത്തണമെന്നുള്ള അപേക്ഷയോടും അങ്ങിനെ നടത്തുമെന്നുള്ള വിശ്വാസത്തോടുംകൂടി ഈ പ്രമേയത്തെ ഞാൻ അനുകൂലിച്ചുകൊള്ളുന്നു.

DEPUTY PRESIDENT: Mr. S. J. Nair, I find an identical Resolution in your name. Do you propose to move that.

MR. S. J. NAIR (*Nedumangad*): I do not move that. I support the resolution before the House.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Sir, the resolution before the House requires that the prohibition against the cultivation of tobacco be removed. The Excise Commissioner has pointed out that rules for the removal of the prohibition have been framed, and examined by the Law Officers and the Government and have almost taken the final shape. In the course of a week or two the rules will be finally passed and published in the Gazette. With the publication of the rules, the prohibition that now exists against the cultivation of tobacco will disappear. My friend Mr. Damodaran Asan will then have gained the object he has in view in moving this resolution. As far as the resolution is concerned it will be admitted therefore that the result is going to be satisfactory.

In the course of the discussion several other points have been raised, such as the suitability of the soils in Travancore for the cultivation of tobacco, the extent of land available for such cultivation, and the profit that may be derived from it. The promise made by the then Director of Agriculture and the then Excise Commissioner in 1927 that experiments on the cultivation of tobacco would be conducted and the results published for the information of the public, was also referred to. Sir, this question has been before the Government for the last several years. Much earlier than 1927 the question of cultivation of tobacco in Travancore used to be brought up at the sessions of the Sri Mulam Popular Assembly. The attitude of Government was that before full freedom was granted to the ryots for the cultivation of tobacco some experiments should be conducted to find out whether tobacco which was ordinarily consumed in Travancore could be produced here. The tobacco which is highly appreciated in Travancore is the Jaffna variety. No doubt, in South Travancore the so-called Tinnevelly tobacco is being consumed. And in certain parts of Central and North Travancore the Coimbatore variety is consumed. But it will be admitted on all hands that the one variety that is most appreciated by a large section of the people in Travancore is the Jaffna variety. The question has been asked whether it will be possible to cultivate the Jaffna variety in Travancore. Mr. Sivathanu Pillai asked the Excise Commissioner whether he was aware of the cultivation of tobacco in Arambolу in former times. I am aware that tobacco was cultivated in Aramboly and it is now being cultivated beyond Aramboly, in the Tinnevelly District. I admit that the variety that is being cultivated

[Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai.]

in Tinnevelly could be cultivated on this side of Aramboly also. Though a certain amount of Tinnevelly tobacco is being consumed in Travancore the variety that is largely in demand and highly appreciated is the Jaffna variety. Next to Jaffna, people prefer Coimbatore tobacco even to the Tinnevelly variety. Whether these two varieties, Jaffna and Coimbatore which are largely in demand in Travancore could be cultivated is the point for consideration.

In 1927 I made the candid admission that I myself was not familiar with the process of cultivating and curing tobacco. I also pointed out that it was necessary to conduct experiments. The Excise Commissioner then agreed with me, and, o behalf of Government, he made a statement in the Council that the Director of Agriculture would be asked to conduct experiments. The matter remained there, and subsequently, Government thought that the demand for the cultivation of tobacco could be met by making rules granting permission to the people to cultivate it. The demand of the people was only for such permission. They thought that they could themselves cultivate tobacco without any experiment being conducted by Government and so they only asked for the removal of the ban on cultivation. Government therefore decided that they need not saddle the Department of Agriculture with the responsibility to conduct experiments.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Do the Government now propose to help the public by asking the Department of Agriculture to conduct experiments?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): If, after the rules are passed, gentlemen like Mr. Sivathanu Pillai who say that tobacco can be easily grown at Aramboly do not take to its cultivation, then the Department of Agriculture will have to be asked to conduct experiments and advise the people. In a couple of weeks the prohibition will be removed by the publication of the necessary rules.

Mr. G. Nilakantan asked whether tobacco was not being cultivated from Cape Comorin to Parur. He was an Assistant Excise Commissioner; he must have had occasion to pull out tobacco plants which he found growing in some places. Because he found a few such plants here and there, he says that tobacco can be cultivated from Cape Comorin to Parur. Tobacco plants may be growing luxuriantly near houses, but that does not mean that tobacco of the varieties required can be produced on a large scale.

MR. G. NILAKANTAN (*Nominated*): Does the member know that in Coimbatore different varieties are now cultivated which did not exist previously?

DEPUTY PRESIDENT: Chief Secretary was speaking only of the tobacco grown in Travancore.

MR. G. NILAKANTAN (*Nominated*): Coimbatore was growing only one variety formerly. Now there are one hundred varieties.

RAO BAHADUR RAJASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : That is no news to me. I know it as much as Mr. Nilakantan himself.

Mr. Kunjukrishna Pillai has stated that Mysore is producing tobacco which is as good as Virginia. If by experiments it is found that the organisms necessary for curing will thrive in Travancore, Virginian variety of tobacco can be produced here also. All that I said in 1927, probably I had repeated it later on also, was this. The method of curing has to be studied if any variety of tobacco has to be cultivated here. It is not like the hill-men growing a plant or two near their huts.

MR. G. NILAKANTAN (*Nominated*): Without an opportunity to cultivate how can we develop the industry?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): There is no point of difference between Mr. Nilakantan and myself. Tobacco may grow—I do not hazard an opinion—anywhere in Travancore. Whether it will be possible to grow and produce the varieties that are in demand has to be experimented upon.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : May I know whether Government, along with the promulgation of new rules, are prepared to open an experimental tobacco farm somewhere in South Travancore?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): In connection with the framing of the rules that question was not considered. After the rules have been passed and after some ryots have started cultivation, if they really find that they cannot get on without experiments being conducted by proper experts, Government may probably consider the question then. At present there is no such idea. All that Government have now been asked to do is to remove the ban on tobacco cultivation and that is proposed to be done by the publication of the rules.

MR. M. SIVATANU PILLAI (*Tovala*) : Should not Government teach cultivation to people who are willing to cultivate tobacco?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : Government will do it if necessary. The present move is only for the removal of the ban on cultivation.

Now Sir, with regard to the profits, in 1927 I had supplied certain statistics and those figures hold good even now. Tobacco is a very exhausting crop. It cannot be cultivated in places where tapioca or cashew grows. It wants a deep loamy soil of good quality. In virgin forests where there is plenty of vegetable mould it will grow well. But in ordinary soils of barren laterite hill slopes, I am afraid, it will not grow successfully. In Aramboly and Nagercoil, one can grow tobacco, but the area available for the cultivation is limited. All the available dry lands there have been converted into wet lands. Unless one is prepared to give up paddy cultivation or cultivate tobacco in rotation with paddy on wet lands one cannot think of tobacco cultivation in South Travancore on a large scale. I am afraid the extent of lands available for tobacco cultivation in South Travancore is very limited.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Without undergoing all these troubles can we in Central Travancore grow tobacco ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : The hills there are not fit for tobacco cultivation. My friend Mr. Krishna Pillai need not think of it for Karunagapally. It is full of cocoanut gardens and paddy fields and there is hardly any vacant land. If Mr. Krishna Pillai wants to make Rs. 400 per acre, I am afraid he has no chance.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Is it not possible to grow tobacco on the foot of cocoanut trees ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : It will not grow at the foot of any tree.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Does it require sunshine ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : Yes. It wants a free open soil unimpeded by any other crop. If the land is good and is heavily manured, there is the possibility of getting a good crop. As I said in 1927, if you spend Rs. 400 on cultivation you may make a profit of Rs. 400 per acre.

MR. M. SIVATANU PILLAI (*Tovala*) : Was Rs. 400 profit arrived at as a result of any experiment ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : Yes, from the experiments conducted elsewhere.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Was it, in relation to Travancore soil and Travancore conditions ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : No. You can expect a profit of Rs. 400 per acre from tobacco cultivation if it is cultivated properly on suitable land.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : May I know whether, with Travancore soil and Travancore conditions, tobacco cultivation can promise to be a paying concern ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : I said in 1927 that experiments must be conducted. We are now where we were in 1927. All that the Government propose to do in response to the persistent agitation of the people, is to remove the ban on the cultivation of tobacco. Even though the ban is going to be removed, there will be some restrictions to safeguard the Government revenue. As the Excise Commissioner pointed out Government now are getting a revenue of about Rs. 20 lakhs from tobacco. They cannot afford to lose it. Government are not going to allow tobacco cultivation from Cape Comorin to Parur. Blocks of suitable lands will have to be selected, licenses for cultivation issued and the cultivation conducted under the supervision of the Excise staff. These restrictions will be found in the rules. If later on any necessity for conducting experiments arises, the question will then be considered.

MR. M. SIVATANU PILLAI (*Tovala*): With these restrictions, do Government think that a large number of cultivators will be forthcoming?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I cannot say that. From the representations made on the floor of this House and at the sessions of the Sri Mulam Popular Assembly one should expect that a large number of people will rush in for licenses. Rules were published a year ago and criticisms were invited. No single individual has come forward so far with criticisms. It may either be that the rules are entirely satisfactory or that the people do not take interest in tobacco cultivation. But, if they do rush in, in spite of the restrictions in the rules, Government will have no objection to grant licenses.

MR. A. EASWARA PILLAI (*Kalkulam II*): May I know whether there are tobacco cultivation experts in Travancore?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir.

DEPUTY PRESIDENT: On the general question of the cultivation of tobacco there does not seem to be any difference of opinion between the Government and the non-official members. Some points were pressed on the attention of the House in the course of the discussion particularly the necessity of making experiments. The Government propose to pass the rules shortly, leaving it to the people to begin cultivation and perhaps burn their fingers. I heard a suggestion made that the Government will do well to authorise some experiments being conducted by Government experts. That is the only difference of opinion which I have heard.

MR. A. S. DAMODARAN ASAN (*Mavelikara*). My resolution as it stands has been stated to be so simple that the Chief Secretary stated that it is going to be carried out within a week or two. It appears from what he said that he or the Government are not concerned with regard to the conducting of experiments and ascertaining whether the cultivation of tobacco will be successful. Sir, I sent this resolution in continuation of the discussion that took place in 1927. I claim to have done like that What was stated then reads thus:

> "In view of the strong feeling that exists in the House, the Director of Agriculture will be asked by Government to make experiments i[illegible] bacco cultivation. If they produce promising results and if applicants for license thereafter come forward the question of framing rules under Section 31 of the Tobacco Regulation will be considered."

So, when I brought forward this resolution I expected the Government to say that they have conducted experiments and that they have found the results to be satisfactory and that they were going to frame rules or that the experiments failed. Therefore if I just bring forward a resolution relating to the rules to remove the ban I think that question naturally will have to be answered according to the assurance given by the Government in 1927. Government are not prepared to

[Mr. A. S. Damodaran Asan.]

conduct this experiment. They are prepared to have cocoanut demonstration and experimental farms in places where cocoanut trees will grow in plenty, paddy cultivation and demonstration farms where paddy cultivation is a proved success. If we want to have a new cultivation in our country which would naturally add to our national prosperity, the Government come forward and say that they will remove the ban and that the people may try at their own cost and waste money on experiments.

DEPUTY PRESIDENT: Will the member please refer to the undertaking of Government in 1937?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): It reads thus:

"In view of the strong feeling that exists in the House, the Director of Agriculture will be asked by Government to make experiments in tobacco cultivation. If they produce promising results and if applicants for license thereafter come forward the question of framing rules under Section 31 of the Tobacco Regulation will be considered."

This was the statement. So, I think even under my present resolution the Government are bound to tell us as to whether experiments were conducted, and, if not, why and as to how they are going to help us in cultivating tobacco. It is really a big risk, and the Government are bound to put us on the way. They can conduct experiments. Here we have to take license, begin cultivation in a sufficiently extensive area so as to induce Government to have a special staff—controlling Excise staff. All that means a big investment. The Agricultural Department has to justify its existence and Government should see that their undertaking is carried out by conducting experiments. Therefore it is not a satisfactory answer to tell us at this stage that the ban for the cultivation of tobacco will alone be removed.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Therefore does the member suggest that the prohibition should continue even now because Government did not conduct experiments?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I want the prohibition to be removed. Also I want Government to take necessary steps which would enable us to be benefitted by such removal.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): So, until then, is it the member's opinion that prohibition should not be removed?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): No. That is not my point.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Is it the member's point that the Government by issuing the rules or by proposing to issue the rules, are putting the cart before the horse? Does the member say that the Government have begun at the wrong end?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): My friend Mr. Thanu Pillai is quite correct, in his inference, now the Government have

chosen to begin with the rules instead of beginning with experiments. There is absolutely no difficulty in having the rules framed and carrying on experiments. It would have been better if they had carried out the experiments and then framed the rules subsequently. There is absolutely no inconsistency or difficulty in the framing of rules after conducting experiments as in that case the rules could have been so framed in the light of the results of the experiment. I would be satisfied, though there has been such a delay of more than 25 years, after the Tobacco Regulation was passed, if the Government would, at least now, undertake to do all that is necessary to start successful tobacco cultivation in the State and assure us that the present undertaking would not be like that of 1927.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Without proper experiments being conducted, would not the ban still continue in effect, even though the rules are passed?

MR. G. NILAKANTAN (*Nominated*): May I know from the member whether the manufacture of salt, or the rules therefor, came first?

DEPUTY PRESIDENT: The member has sat down.

MR. C. O. MADHAVAN (*Excise Commissioner*): What the resolution contemplates is the removal of the prohibition against the cultivation of tobacco. The resolution, as it stands, is accepted by Government. This is the resolution.

"This Assembly recommends to the Government that the prohibition against the cultivation of tobacco be removed".

DEPUTY PRESIDENT: Apart from the technicalities of it, there is the further question regarding the experiments for the cultivation of tobacco. That is a separate question which the Government have to consider.

MR. C. O. MADHAVAN (*Excise Commissioner*): The prohibition against the cultivation of tobacco will be removed subject to the rules to be passed and published within a week or two. The other question is not contained in this resolution.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know from the official member whether Government will think of helping the people in the cultivation of tobacco by starting experiments and trying to find out whether it is possible to do it.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): May I say, Sir, that it will be considered.

DEPUTY PRESIDENT: I suppose Mr. Asan will be satisfied with that. The Chief Secretary on behalf of Government has stated that this question also will be considered.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I am not satisfied with mere consideration. Even definite promises of action, do not seem to be dependable.

DEPUTY PRESIDENT: All that Mr. Asan can do is to press the motion to a division. I think there is a real difficulty. A division is not necessary because the Excise Commissioner, on behalf of Government, has accepted the resolution.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): He has not accepted the spirit of the resolution.

DEPUTY PRESIDENT: The word "prohibition" may mean legal prohibition or practical prohibition. That is the sense in which Mr. Asan, as I understood him, used the word in the course of his speech. Certain members have raised the point as to the cultivation being profitable. The necessity of Government conducting experiments was also mentioned. I thought, whatever be the technicality, it would be good that Government gave an encouraging answer. It was therefore that I gave a second chance to Government. Technically all that Mr. Asan can do is to press the motion to a division. But when a resolution, as it stands, has been accepted by Government can it be put to vote?

MR. S. J. NAIR (*Nedumangad*): Sir, I may be permitted to move the resolution standing against my name, along with the present resolution so that the whole difficulty will be removed. Both resolutions can be put together.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): It was suggested by the Chair to Mr. S. J Nair that he might move his resolution along with this.

DEPUTY PRESIDENT: But he did not take advantage of the suggestion offered by the Chair.

MR. S J. NAIR (*Nedumangad*): Sir, I took advantage of it. I supported the resolution on the ground that there was a resolution standing against my name. That is the reason why I submit for the kind consideration of the Chair that this resolution may be put along with my resolution.

DEPUTY PRESIDENT: I cannot accept that suggestion in the light of what has transpired. I gave Mr. S. J. Nair a chance. But Mr. S. J., Nair did not take advantage of it. If he had done that he could have persuaded the House to adopt it, by adding one or two words. I called pointed attention to Mr. S. J. Nair's resolution. All that Mr. S. J. Nair did then was to stand up and say that he supported this resolution. For that reason, I hold that the present request made by Mr. S. J. Nair cannot be allowed.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): That resolution can be taken up only in the order in which it comes.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Can we take up Mr. S. J. Nair's resolution now.

DEPUTY PRESIDENT: Honourable members are expected to listen to what falls from the Chair.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I want to clear my doubt.

DEPUTY PRESIDENT: There is no prospect of the doubt being cleared just now. The point on which I wish to get advice is this *viz.*, whether, when a resolution which has been moved and seconded is accepted by Government without any amendment, it is necessary for the Chair to put it to vote? Is there any rule or ruling relating to that question?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Technically the resolution has to be put to vote. There may be members who may vote against it.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Sir, I press the motion.

The resolution was put to vote and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I demand a poll.

A poll was taken and the House divided as follows :—

AYES—26.

1	Mr. N. Abdur Rahiman Sahib	15	Mr. K. M. Kuriakose
2	,, K. C. Abraham	16	,, Pacode A. Narayana Pillai
3	,, T. K. Alexander	17	Srimathi T. Narayani Amma
4	,, A. S. Damodaran Asan	18	Mr. S. Nilakanta Pillai
5	,, A. Easwara Pillai (Kalkulam II)	19	,, Edavanatt S. Padmanabha Menon
6	,, K. R. Elenkath	20	,, Kainikkara M. Padmanabha Pillai
7	Miss Hepzibah Gnanasikamony	21	Rao Sahib Mahakavi S. Paramesvara Aiyar
8	Mr. M. Mahomed Haneef	22	Mr. R. Sivaraman Nair
9	,, S. J. Nair	23	,, M. Sivatanu Pillai
10	,, T. C. Joseph	24	,, S. Thiraviam Nadar
11	,, K. M. Krishnan	25	,, P. K. Thomas
12	,, K. P. Krishna Menon	26	,, N. E. Varughese
13	,, Puthupalli S. Krishna Pillai		
14	,, K. Kunjukrishna Pillai		

NOES—1.

Mr. G. Nilakantan

NEUTRALS—20.

1	Mr. V. T. Chacko	12	Mr. E. K. Kunjuraman
2	,, C. V. Chandrasekharan	13	,, C. O. Madhavan
3	,, Antony George	14	,, K. Madhava Kurup
4	,, K. George	15	,, K. R. Narayana Aiyar
5	,, N. John Joseph	16	,, Kayalam Paramesvaran Pillai
6	,, N. Kesava Panickar	17	,, R. Pitchu Aiyangar
7	,, T. T. Kesavan Sastri	18	,, Rao Bahadur A. Rengaswami Aiyar
8	,, N. K. Krishna Pillai	19	,, A. Thanu Pillai
9	,, T. Krishna Pillai	20	,, John Whitely Tolson
10	,, C. Kumara Das		
11	Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai		

DEPUTY PRESIDENT : Mr. S. J. Nair wishes to move resolution No. 26 standing against his name. But I cannot permit him unless the House authorises me to pass over the other resolutions and come to that.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : By passing over to resolution No. 26 the other resolutions must not be lost sight of.

MR. S. J. NAIR (*Nedumangad*): I request that resolution No. 26 may be taken up now.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, the proposal is out of order. The order of resolutions is decided by ballot and they must be taken up in the order fixed by the ballot. It can otherwise be done if at all only with the *unanimous* consent of the House. It is not open to any member to change the order. Of course, the opinion of the House may be ascertained. There should not be a *single* dissentient.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I rise to a point of order. The Chair suggested that if any member proposes, this may be taken up; the Chair has left the matter to be decided by the House, so that no question of unanimity arises. It is therefore not open to the Law Member to rule out what the Chair has said and say that there must be unanimity.

DEPUTY PRESIDENT: Let me see the rules.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Mr. S. J. Nair will please point out the rule or Standing Order upon which he relies.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I will just draw the attention of the House to Standing Order 6, Paragraph 24 on page 16 of the Manual.

Paragraph 24, clause (6) of the Assembly Manual says:

> "The relative precedence of notices of resolutions given by the non-official members shall be determined by ballot to be held in accordance with the procedure set out in Schedule I.
>
> Provided that the President may, from time to time make such variations in the said procedure as he may consider necessary or convenient."

DEPUTY PRESIDENT: "President" used there does not mean the person presiding here. It refers to the President.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): What that rule says is that ordinarily precedence is determined by ballot; but, the President may order any other procedure to determine the order. But here the procedure of ballot has already been adopted. The rule quoted does not apply to the precedence already fixed by following any procedure.

DEPUTY PRESIDENT: Where is the rule authorising for any motion to be moved in advance. It is for Mr. S. J. Nair to satisfy the House with regard to this right by showing the relevant rule.

Mr. S. J. Nair:—On the suggestion of the Chair I made this motion; and I attach much importance and value to the orders of the Chair, Sir. (*Laughter*).

DEPUTY PRESIDENT: When the Chair said that, it only means, reasonably, *ie*, if the rules warrant, of such a procedure, attention may be drawn to it. I did so for the luxury of doing a kindly office to Mr. S. J. Nair. Because the Chair raised that suggestion it does not mean that all rules of procedure are to be abrogated. If Mr. S. J. Nair had called my attention to the rule which justified his position I should have considered such a procedure.

RECOMMENDATIONS OF THE MINOR IRRIGATION COMMITTEE.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I beg to move the following resolution:

> *"This Assembly recommends to the Government that all the recommendations of the Minor Irrigation Committee be accepted and immediate steps be taken to carry them out."*

Sir, the question of improving and giving facilities for paddy cultivation, by the construction and carrying out of irrigation works, has been brought to the notice of Government on a number of occasions, and, in January 1930, an adjournment motion was moved by my friend Mr. N. K. Krishna Pillai, in the Legislative Council, on this matter, and the Government promised to appoint a Committee to enquire into this problem of minor irrigation. The Minor Irrigation Committee was constituted accordingly, and that Committee has submitted its report to the Government; and the Government order on that report was passed on the 7th December 1931, that is, more than 5 years back. One or two recommendations of the Committee have been partly accepted and acted upon by the Government. But such partial execution of those recommendations has not in any way improved the conditions of the working of the Irrigation Department. The main difficulty that was experienced with regard to the reconstruction and repair of the irrigation works was that the provisions contained in the Irrigation Regulation of 1072 were being strictly adhered to by the Government for the purpose of levying irrigation cess and for the recovery of the cost of irrigation works. As a result of that much delay was caused in the carrying out of the execution of irrigation works. That was the main difficulty that was experienced. Another difficulty was that the Government was not allotting sufficiently large amounts for the carrying out of irrigation works; and there was no special branch of the P. W. D. to promptly carry out the works for which funds have been allotted. So the Committee recommended that a special irrigation fund must be constituted and that every year Rs. 5 lakhs must be earmarked for that fund. It was also stated by the Committee that the provisions for the levy of the irrigation cess prescribed in the Irrigation Regulation must be suspended, and that the recoveries of the cost must be also suspended until all the necessary irrigation works are carried out. The recommendation for the constitution of a separate Irrigation Division in the P. W. D. has been carried out and an Irrigation Fund has also been constituted with an initial allotment of 5 lakhs of rupees. But both these steps will in no way advance the work of the Irrigation Department so long as the provisions in the Regulation are not amended. It would be found that the Irrigation Regulation of 1072 makes certain provisions for the carrying out of petty and minor irrigation works. For these works to be done, such as the repair or construction of canals or tanks, people have to apply to the Government and on the receipt of those applications the Division Peishkar is to publish that an application has been

[Mr. A. S. Damodaran Asan.]

received for the carrying out of a work, that such and such lands would be benefited if these irrigation works are carried out, and that it is open to parties interested to raise objections if any, to the execution of such works. After such publication, if no objections are received, the people who are to be benefited by the works are asked to consent in writings to the execution of such works. Then the plans and estimates for such works are prepared and sent to Government. After that the work is carried out and the lands benefited by the works will be charged, *ie* the owners of such lands will have to repay to Government the whole or part of the cost or the Government will be entitled to realise from the ryots a cess at six per cent. on the amount spent by the Government. All this procedure necessarily takes a long time; and we would find that though this Irrigation Department has been formed years ago, they have not carried out any appreciable number of irrigation works on account of this cumbersome procedures. This fact has been admitted by the Government as well. I will only draw the attention of this House to two statements made by Government when the adjournment motion of Mr. N. K. Krishna Pillai was considered in the Legislative Council. Dr. N. Kunjan Pillai, who was the Director of Agriculture then stated in the course of the discussion on the motion thus:

> "I do not blame the Council. The Government are responsible for spending the money allotted to the Engineering Department. While they are engaged in other important works minor irrigation is probably neglected. Mr. Vipen has pointed out the defects in the Irrigation Regulation. The old Regulation of 1072 requires modification. Under the Regulation when a minor irrigation tank has to be repaired the people of the locality have to agree to contribute half the cost of the restoration and the Dewan Peishkar should enquire and satisfy himself about the necessity of repairing the tank. Then the P. W. D. should prepare an estimate that should go to the Government and notification should appear in the Gazette. Then the estimate should go back to the P. W. D. for the execution of the work. It takes a long time to go through all these processes and that is why the execution of works is being delayed."

The Minor Irrigation Committee so early as 1930 made this recommendation:

> "... ....We strongly recommend that in order to give a fillip to the development of Irrigation and to restore as much as possible the prosperity of the Agricultural population, Government should waive their rights to the recovery of a contribution towards the cost, or of a cess based on the cost of the work until further notice."

I will draw the attention of the House to another important statement contained in another official record, namely, the proceedings of the first meeting of the Board of Agriculture in Travancore on the 5th Edavam 1111:

> "The entire cost of constructing and maintaining all the minor and petty irrigation works ma be met by the Government discontinuing the present practice of recouping a share from the ryots benefited by the work."

Sir, I refer to these official documents to show that even those official documents do not carry much weight. When the matter of carrying out the recommendations had seriously to be taken up, this Irrigation Committee was constituted. A large amount of public revenue was spent on it. About half of the members of the Committee were Heads of Departments and they had made this recommendation more than five years ago. That recommendation, particularly with reference to the main defect in the carrying out of irrigation works, has not been carried out by them. The Board of Agriculture from which much was promised but only little expected by some of us has also made a similar recommendation.

The first step that appears to have been taken by Government to amend the Irrigation Regulation was the publication of the Irrigation Regulation Amendment Bill on 23rd November 1936, that is to say, after these resolutions were sent to Government. Nothing further was done. I want to lay emphasis upon this aspect because that part is the most important matter connected with the execution of irrigation work and the present provisions really stand in the way of the progress of these works. I would also draw the attention of this House to another important fact. When this Irrigation Regulation of 1072 was discussed in the Council, it was definitely assured that though there are these provisions for the levying of cess and recovery of cost they were not seriously intended to be applied as a source of revenue for Government. This is what was stated by the member in charge of the Bill at that time :—

> "There appears to be an impression that the main object of this Bill is to throw upon the shoulders of the ryots more responsibilities in regard to the construction, restoration and maintenance of irrigation works than ever before. Some of the apparently coercive provisions of the Bill may have led to this view ; but as a matter of fact, the effect of the Bill is to considerably widen the sphere of the State's obligation and circumscribe the well-understood, if largely neglected, duties of the ryots."

So it was assumed that though these provisions are there, they will not be enforced so as to increase the burden of the ryots. Even then, the Irrigation Regulation Amendment Bill does not in any way advance the cause of Irrigations. All that the Amendment Bill provides is that the Petty Irrigations would hereafter be called Minor Irrigation and the maintenance of these irrigation would also be taken up by Government. What I beg to submit is that in view of all these circumstances it is high time that the Government should suspend the procedure contained in the Irrigation Regulation and see that these works are carried out as if they are P. W. D. works. That is what was suggested by the Irrigation Committee also. They say,

> "Until further notice, the procedure to be adopted for the construction and restoration of Minor Irrigation Works outside Kuttanad and the area covered by the Kodayar Project shall be the same as for ordinary works coming under the head P. W. Proper."

[Mr. A. S. Damodaran Asan.]

If anybody looks into the Government Records, he will find that, even for the improvement of a canal costing Rs. 100 or Rs. 200 this procedure is being followed, with the object of recovering one half of the cost of the execution of the works from the ryots, or with the object of levying cess at the rate of 6 per cent. on the amount spent by Government. The main point to which I wish to draw the attention of Government is that the provisions in the Irrigation Regulation referred to above must be suspended. Otherwise, the separate staff for irrigation costing about Rs. 60,000 annually on it, is going to be a waste. With these words, I move the resolution.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): Sir, I second the motion. The two main recommendations in the Minor Irrigation Committee Report are that a separate P. W. D. Irrigation Division should be established and that an Irrigation Fund should be created. Sir, these recommendations were made with a view to expedite the execution of minor irrigation works. It will be seen that, though these recommendations have been acted upon, the minor irrigation works, chiefly the restoration and improvement of irrigation tanks, have not been executed. There is a large number of irrigation tanks all over the State, and especially in Trivandrum Division, in the taluks of Chirayinkil and Nedumangad. There is a large number of irrigation tanks in Chirayinkil. There are about 120 irrigation tanks. Not a single tank has hitherto been improved. So is the case with Nedumangad also. Though the taluks of Chirayinkil and Nedumangad belong to the Trivandrum Division, only the taluks of Vilavankod and Neyyattinkara have been attended to by the Department. I do not say that those taluks should be neglected. I only say that the other two taluks also belong to this Division; but they have been neglected by the Minor Irrigation Department.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Is it not because, from the standpoint of irrigation, these taluks are not so very important?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): It is not so, Sir.

DEPUTY PRESIDENT: The Minor Irrigation Committee was appointed because specific representations were made, in the old Assembly, from these taluks.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): Representations have been made from Chirayinkil and Nedumangad also. It will mean the neglect of paddy cultivation. Without improving these irrigation tanks, people cannot irrigate and cultivate their fields, and get sufficient yield. So, my submission is that proper attention should be paid in the immediate future to these taluks also.

Another question I have to refer to in this connection is with regard to the Remission Rules. It was recommended by this committee that Government should see that those rules are made applicable to all parts of the State.

DEPUTY PRESIDENT: How does it come under Minor Irrigation?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*) That is one of the recommendations of the committee. That recommendation has not been taken up yet. There was the real necessity for that.

MR. K. R. ELENKATH (*Kalkulam I*): Is the member aware that a resolution was passed in the Assembly to that effect?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): Yes. Still Government are neglecting that. With these words, I second the resolution.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I also rise to support the resolution. I wish to draw pointed attention to one fact. The Minor Irrigation Committee was appointed by Government mainly for the purpose of considering the problem of minor irrigation and also to make proposals for the amendment of the Regulation of 1072. It is stated in the terms of reference:

"To submit proposals to amend the existing Irrigation Regulation III of 1072 and the Rules thereunder in order to facilitate the progress of Irrigation Works."

The difficulty of the working of the Irrigation Department was pointed out by the Chief Engineer, and he pointed out the existing defect in the Irrigation Regulation and Rules. Therefore, I consider that the change or the suitable amendment of the Irrigation Regulation, is the most important matter that ought to have received the earnest attention of Government. On the submission of the proposals by the Committee, Government have been pleased to convey their cordial thanks to the chairman and members of the committee for their valuable work. Government have considered the work of the Irrigation Committee valuable. I wish to know what stood in their way in moving an amendment of the Irrigation Regulation as suggested by the Committee. Whether Government propose to constitute a separate Irrigation Division, whether they decide to undertake the whole expenditure or whether they decide to do ever so many other things for the ryots—nothing could be achieved easily without an amendment to the Regulation. Sir, we are now able only to make a recommendation by this resolution. This resolution is really a condemnation of the lethargy of Government. We require an explanation why Government did not take action.

DEPUTY PRESIDENT: May I just give you a piece of information? The Trivandrum Irrigation Committee also recommended the same thing long before the recent committee.

MR. K KUNJUKRISHNA PILLAI (*Quilon I*): I think on the whole Government ought to satisfy this House why there was an inordinate delay for such a necessary work for which proposals have been made. I demand an explanation from the Government on the matter.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Sir, even six years after the Minor Irrigation Committee reported, we still find that many of the important and urgent recommendations of that committee remain unattended. That does not speak to the credit of any Government worth its name.

[Mr. Pacode A. Narayana Pillai.]

One of the most important recommendations of the Committee is that in order to relieve the ryots from the very heavy burden they were labouring under, liberal remissions should be allowed to them. Sir, whatever might have been the historical reasons which led to the differential treatment of different parts of the State, no justification exists at present to continue such a differentiation. I refer to the treatment that is meted out to the southernmost portion of the State, that is Nanjinad, which is served by the Kodayar Project. Compare the treatment meted out to Vilavankod and Neyyattinkara with that of Shencotta. We find from the Minor Irrigation Committee report that the tank restoration scheme for Shencotta was taken up on condition that the ryots need not pay for the benefits conferred upon them. On the other hand for the tank restoration scheme that was started for Vilavankod and Neyyattinkara, the condition was that the people benefited should contribute half the cost of the works. Then again, in the commanded area, there is no minor irrigation work. People have been generally benefited by the Kodayar Project. They need not make any half contribution. But the Government have introduced water cess. I quite realise that in the olden days there was what was called the Kulam Maramat Department working in Tovala, Agastisvaram, Kalkulam and partly in Eraniel. But after the Kodayar Project came into force in the place of this department, we find that the people were still making the contribution to the State. This is a historical accident. Such a treatment should not at all obtain any longer. In the taluks of Vilavankod and Neyyattinkara, the promise made by the Government in the pre-project days was that the question of tax will be considered by the Government after the right bank channel was completed. That was the definite promise of Government. We find such an undertaking even in the *pattas* granted to the ryots. Even after such a long period we find that the interests of these two taluks have been completly neglected by Government. I ask what the Government have done to these two taluks to solve their irrigation problem.

MR. A. EASWARA PILLAI (*Kalkulam II*) : May I ask whether the right bank channel has been completed ?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : Even the man who runs can see it. It was not even begun. The question arose whether there was sufficient water in the reservoir for both channels. So the scheme was dropped.

DEPUTY PRESIDENT : Is the right bank channel relevant to the question of minor irrigation tanks ?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : When we consider the question of minor irrigation in these two taluks we cannot but refer to the neglect on the part of Government in not opening the right bank channel. The Engineering authorities were suggesting an alternative scheme even during the project days.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether there is any recommendation by the Minor Irrigation Committee regarding the right bank channel?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I do not think I need labour much to establish the affinity between the two topics. The Minor Irrigation Committee reported about facilities for ryots having *ayacut* lands. The major works that were contemplated for Neyyattinkara and Vilavankod could not be taken up by the committee. The problem of Vilavankod and Neyyattinkara is essentially a minor irrigation problem. Government should not lose any more time in tackling this all important problem of irrigation for the two taluks of Vilavankod and Neyyattinkara.

Sir, in the place of the sympathy which the Government are legally as well as morally bound to show what do we find? Under the tank restoration scheme started by Government, Government are realising half-contribution from the ryots.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Is the member aware that in Appendix C of the report, it has been stated that the area commanded by the Kodayar Project is outside the scope of the Committee?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): That is also my contention. We are now at minor irrigation and not the Kodayar Project. The levying of half contribution from the ryots for the tanks restored or maintained by Government, works very great hardship on the ryots of these two taluks. Sir, in these days of economic depression when the ryots do not get enough even to pay the taxes, we find that Government are not willing to make any remission of the contribution. Government are rigorously levying the contribution to the very last pie. When there was drought in 1110 and 1111, Government were trying to realise half contribution from the ryots. This is a matter that ought to engage the attention of Government at a very early date and something tangible should be done in the interests of the agriculturists of these two taluks.

MR. S. J. NAIR (*Nedumangad*): Sir, I support the resolution. Four different systems of paddy cultivation are in vogue in Travancore. One is the punja cultivation, for which there is no question of irrigation.

DEPUTY PRESIDENT: That is so well known. You need not state that.

The House will now adjourn and meet again at 11 O'Clock tomorrow.

The House adjourned at 5 P. M.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Mulam Assembly.

PROCEEDINGS
of

THE TRAVANCORE SRI MULAM ASSEMBLY.

(OFFICIAL REPORT)

FIRST ASSEMBLY,

NINTH SESSION.

Friday, the 27th February 1937/16th Kumbham 1112

The Assembly met again in the Victoria Jubilee Town Hall at Eleven of the Clock, with the President in the Chair.

QUESTIONS AND ANSWERS.

Amendment to the Remission Rules.

334. *MR. A. S. DAMODARAN ASAN (*Mavelikara*): Will the Government be pleased to state:

(*a*) whether they have considered the recommendation of the Minor Irrigation Committee, in para 88 of their report, for amending the Remission Rules so as to be applicable to all parts of the State; and

(*b*) if the answer to part (*a*) is in the affirmative, the date on which the report was received and the result of the consideration?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) Yes.

(*b*) 4-10-31. Government have sanctioned the extension of seasonal remissions with certain modifications to *Kayal* areas in the State when crops are destroyed by the breaching of bunds. Modification of the Remission Rules now in force is not considered necessary by Government.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know from the Government whether the recommendation contained in para 88 of the Minor Irrigation Committee Report namely, that the necessity for making these rules sufficiently elastic so as to be applicable under the varying conditions throughout the State may be referred to the Land Revenue Commissioner for full examination and report, was acted upon?

RAO BAHADUR RAJYASEVANIRATA DR N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes, Sir. It was referred to the Commissioner. His reply was that there was no necessity to relax the rules and to make them applicable throughout the State. In regard to *Kayal* areas he said that there was necessity to make provision for remission when the cultivation failed on account of the breaching of the bunds; and necessary provision for that has been made in the rules. Regarding the application of the rules throughout the State the necessity was not felt and therefore it was not done.

G. P. T. 2580. 350.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is it the opinion of the Government, or of the Revenue Commissioner that where there is a complete failure of crops for causes beyond the control of the ryots no remission need be granted under the rules framed by them?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): There is no necessity to make general rules for that purpose. If there is complete failure of crops under exceptional circumstances each application will be considered on its merits and necessary remission granted.

Revenue and expenditure in the Ambalapuzha taluk.

335. *MR. K. M. KRISHNAN (*Ambalapuzha II*): Will the Government be pleased to state:

(*a*) the approximate amount of revenue from various sources that is being collected annually from the Ambalapuzha taluk; and

(*b*) the amount spent on public works in the taluk for the last five years?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) A taluk-war statement showing the revenue (including all items of revenue) and expenditure is not available.

(*b*) Rs. 1,00,334 for 1107 M. E.
,, 1,44,143 ,, 1108 ,,
,, 1,49,542 ,, 1109 ,,
,, 2,03,310 ,, 1110 ,,
,, 85,852 ,, 1111 ,,

MR. K. M. KRISHNAN (*Ambalapuzha II*): With reference to the answer to part (*b*) of the question may I know the nature of the public works done in the taluk?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Improvement of roads and irrigation canals and other public works.

MR. K. M. KRISHNAN (*Ambalapuzha II*): Was any new work started?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I claim notice.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): In view of the interest displayed by several members on this side of the House, may I know whether Government feel the necessity of getting a taluk-war statement of accounts of the various items of revenue?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): There is practical difficulty in keeping taluk-war statements for all items of revenue. If it is a question of land revenue accounts the statements are already there. In regard to revenues under Excise, Customs, Stamps, Registration fees etc., it is impossible to keep taluk-war accounts.

Copyists in the Magistrates' Courts.

336. *MR. S. J. NAIR (*Nedumangad*): Will the Government be pleased to state:

(*a*) how many qualified copyists there are in the Magistrates' Courts in the State;

(*b*) how many clerks were confirmed in the Revenue Department in the State in the years 1110, 1111 and 1112 M. E., (till 15-3 1112);

(*c*) how many qualified copyists who had acting clerks' service were included in the list of those clerks who have been confirmed in the years 1110, 1111 and 1112 (till 15-3-1112):

(*d*) if the answer to part (*c*) is in the negative, the reason or reasons for not confirming the copyists who have acted as clerks;

(*e*) how many acting clerks in the lowest grade there were on 1-2-1112;

(*f*) how many of those acting places were given to the duly qualified permanent copyists;

(*g*) if the answer to part (*f*) is in the negative, the reason or reasons for not giving the permanent copyists promotion as acting clerks; and

(*h*) whether the claims of permanent qualified copyists who have acted as clerks have been considered in filling up the vacancies of clerks?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

(*a*) 54.

(*b*) 31 in the grade of Rs. 20-25.

(*c*) 5.

(*d*) This does not arise in view of the answer to part (*c*).

(*e*) 73.

(*f*) 8.

(*g*) This does not arise in view of the answer to part (*f*).

(*h*) Yes.

Kudivila of teak trees.

337. *MR. K. M. KURIAKOSE (*Muvattupuzha II*): Will the Government be pleased to state whether there are still arrears of *kudivila* of teak trees to be paid from 1088 onwards?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Yes But the arrears are being considerably reduced year after year, and there were only 719 claims actually pending settlement towards the close of 1111 M. E. Most of these claims relate to the fellings made after 1100 and are pending under various stages of investigation and settlement, and for the production of records, etc. by the parties. In the majority of cases the pendency is due to the parties.

Pattanacad Cross Canal.

338. *MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Will the Government be pleased to state:

(*a*) whether they have accorded administrative sanction to cut open the Pattanacad Cross Canal;

[Mr. Edavanatt S. Padmanabha Menon]

(*b*) if the answer to part (*a*) is in the affirmative, whether any action has been taken by the Public Works Department to take up the work immediately;

(*c*) whether they are aware of an offer made by the Pattanacad Canal Committee to undertake the digging of this canal at one third of its estimated cost provided the Government acquire the sites necessary for the same; and

(*d*) whether any action has been taken on this representation?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (*a*) Yes.

(*b*) No, for want of funds.

(*c*) Yes.

(*d*) Yes, an undertaking was taken to that effect and necessary detailed estimate has been prepared and sanctioned.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): What is the estimated cost for the acquisition of the necessary site for the canal?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The total cost is altogether Rs. 18,900 including the cost of acquisition. Separate figures regarding cost of acquisition are not readily available.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know whether administrative sanction for the scheme was given in 1111 or 1112?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): It was given in September 1936.

Maintenance of the Alleppey-Aroor Road.

339. *MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Will the Government be pleased to state:

(*a*) the amount spent by the Public Works Department for the maintenance of the Alleppey-Aroor road in 1110 and 1111;

(*b*) the maintenance amount spent in 1111 per mile for the main central road and for a mile of the Alleppey-Aroor road; and

(*c*) whether they are aware of the very bad condition of the Alleppey-Aroor road?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (*a*) Rs. 12,431 in 1110 and Rs. 12,941 in 1111

(*b*) Rs. 421 per mile for the main central road and Rs. 454 per mile for Alleppey-Aroor road.

(*c*) The road is getting worn out on account of traffic and steps have been taken to get the damaged portions repaired.

Improvement of canals in Shertala.

340. *MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Will the Government be pleased to state;

(*a*) whether they have received any representation urging the necessity of deepening and improving Thankey canal, Ariparambu canal and Pallitodu canal in Shertala; and

(*b*) if the answer to part (a) is in the affirmative, what action has been taken in the matter ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) :

(*a*) Yes, regarding Ariparambu canal and Pallitodu but no representation about Thankey canal.

(*b*) Preliminary investigations regarding the two *todus* have been conducted.

Railway freight on cocoanuts.

341. ***MR. T. K. ALEXANDER** (*Kunnatnad I*) : Will the Government be pleased to state :

(a) the freight realised by the railway authorities from Quilon and Kundara Railway Stations in 1110 and 1111 for taking cocoanuts to Madras ;

(*b*) whether any concession in freight was allowed by the railway authorities for the same, if so, what ; and

(*c*) who made negotiations with the railway authorities to secure this concession in freight for the cocoanuts exported from these stations?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : (*a*) There was no export of cocoanuts direct to Madras from Quilon or Kundara in 1110. The total amount of freight realised in 1111 on cocoanuts exported to Madras from Quilon Railway Station was Bh. Rs. 5958-8-3, and that realised in the Kundara Station was Bh. Rs. 14742-12-0.

(*b*) During the year 1111, the normal freight of Bh. Re. 1-9-6 per maund of cocoanuts exported from Quilon to Madras was reduced as a concession to annas 12 per maund. The Railway freight has been reduced from Bh. Re 1-4-4 to annas 12 per maund for cocoanuts booked in waggon loads from Kundara direct to Madras.

(*c*) Government have not been informed by the Railway Company.

MR. T. K. ALEXANDER (*Kunnatnad I*): May I know, with reference to the answer to part (*c*). of the question whether Government tried to ascertain who made the negotiation ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : No, Sir.

Road from Kumarapuram market to Tamanam on Cochin Frontier.

342. ***MR. T. K. ALEXANDER** (*Kunnatnad I*) : Will the Government be pleased to state :

(*a*) what action has been taken on the representation made for opening a road from Kumarapuram market in the Kunnatnad taluk to Tamanam on the Cochin frontier; and

(*b*) what would be the cost for opening the same ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : (*a*) A preliminary investigation was conducted and it was found that the road proposed would cost a heavy sum. As there are other more urgent roads to be opened in the taluk, no further action has been taken in the matter.

(*b*) Rs. 75,000 approximately.

Foot-bridge on the Todupuzha-Kanjiramattam road.

343. *MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): Will the Government be pleased to state:

(*a*) whether the foot-bridge across the stream in the Todupuzha—Kanjiramattam road was washed off during the last monsoon;

(*b*) if so, what is the loss they have sustained; and

(*c*) whether a suitable bridge was sanctioned there?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (*a*) Yes.

(*b*) About Rs. 75.

(*c*) No.

MR. K. A. NARAYANA PILLAI (*Thodupuzha* cum *Devicolam*): May I know whether any bridge was constructed in the place?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): An estimate is being sanctioned.

Anchal Master of the Kanakappalam Anchal Office.

344. *MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): Will the Government be pleased to state:

(*a*) the name of the Anchal Master of the Kanakappalam Anchal Office (ordered to be shifted to Erumeli Pettah);

(*b*) the date of his appointment as Anchal Master;

(*c*) whether he had any other work or employment and, if so, the distance between the Kanakappalam Office and the place of his other employment at first;

(*d*) whether he has any other employment at present;

(*e*) if the answer to part (*d*) is in the affirmative, the place and the name of the institution in which he is now employed and the distance between the Kanakappalam Anchal Office and the place of his present employment; and

(*f*) the time fixed for the receipt and despatch of Anchal bags from and to the other offices before and at present?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (*a*) K. C. Cheriyan.

(*b*) 1-11-1102.

(*c*) He was employed as acting Head Master in the V. P. School, Erumeli. The distance to the School from the original Kanakappalam Anchal Office is about 1 1/2 miles.

(*d*) Yes.

(*e*) Head Master V. P. School, Erumeli. The distance between the school and the Kanakappalam Anchal Office now located at Erumeli is about one furlong.

(*f*) *Former Time Table.*

		Arrival.	Despatch.
Kanakappalam	...		8 A. M.
Kanakappalam	...	4 P. M.	

Present Time Table.

		Arrival	Despatch
Kanakappalam (Erumeli)	...		7-30 A. M.
Kanakappalam (Erumeli)	...	12-35 P. M.	

Kottayam Municipal Council.

345. *MR. P. C. KURIYAN (*Kottayam I*): Will the Government be pleased to state:

(*a*) whether there is any illiterate member nominated to the Kottayam Municipal Council; and

(*b*) whether they have received any complaint regarding any member of that council from the President at any time?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) No.

(*b*) No.

Nagampadam Bridge at Kottayam.

346. *MR. P. C. KURIYAN (*Kottayam I*): Will the Government be pleased to state:

(*a*) the date on which the Nagampadam Bridge at Kottayam was constructed;

(*b*) the length of the bridge;

(*c*) the width of the bridge actually available for traffic;

(*d*) the width of the bridge from girder to girder;

(*e*) the reason why a portion is left useless;

(*f*) whether originally the whole width was used;

(*g*) if so, what made Government to reduce the width;

(*h*) whether there is a foot-path for this bridge;

(*i*) whether it is safe for pedestrians to walk along this foot-path;

(*j*) whether any plank is missing on the foot-path;

(*k*) whether the bridge has a concrete platform or wooden platform; and

(*l*) whether the bridge is broad enough for vehicles to pass each other on it?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (*a*) About 60 years ago.

(*b*) 312 ft.

(*c*) 7 ft. 6 inches for wheeled traffic and 4 ft. 8 inches for pedestrian traffic.

(*d*) 10 ft.

(*e*) As the iron girders are not safe for taking the full load.

(*f*) Yes.

(*g*) Vide answer to part (*e*).

(*h*) Yes.

(*i*) Yes.

[Mr. K. Madhava Kurup]

(j) No.
(k) Wooden plat-form.
(l) No. It is intended only for one line traffic.

The South Indian Railway Advisory Board.

347. *MR. P. C. KURIYAN (*Kottayam I*): (1) Will the Government be pleased to state:

(a) when was the last sitting of the South Indian Railway Advisory Board;

(b) the subjects discussed;

(c) whether the Travancore Government nominee made any particular representation; and

(d) if so, what it was?

(2) Will the Government be pleased to place a copy of the proceedings of the Advisory Board, or at any rate the portion of it dealing with Travancore questions, on the table?

RAO BAHADUR A. RENGASVAMY AIYAR (*Financial Secretary to Government*):

(1) (a) On 30th January 1937.

(b) (c) and (d) The member is referred to the answer to part (2) *infra*.

(2) An *extract from the minutes of the meeting relating to questions moved by the Travancore Member is placed on the table.

Transport of salt from Tamarakulam.

348 *MR. G. NILAKANTAN (*Nominated*): Will the Government be pleased to state:

(a) the distance between Tamarakulam group of salt factories and Trivandrum by land route;

(b) the cost of transporting by existing land route one bag containing two maunds of salt from Tamarakulam salt factory to Trivandrum; and

(c) the cost of transporting the same quantity of salt by canal or backwaters for an equal distance?

MR. C. O. MADHAVAN (*Excise Commissioner*):

(a) 50 miles.

(b) It is reported that the rate for one bag may come to about 8 annas.

(c) The rate may not exceed two annas per bag.

MR. G. NILAKANTAN (*Nominated*): May I know the cost of transporting one bag of two maunds of salt, by sea?

MR. C. O. MADHAVAN (*Excise Commissioner*): It varies from year to year and will depend on the rates quoted by the tenderers. Ordinarily, it may be taken to be as. 4 per bag.

* *Vide* Appendix I—page 1065.

MR. G. NILAKANTAN (*Nominated*): If it can be transported for 4 as. by sea may I know why merchants transport by land routes at a cost of 8 as?

MR. C. O. MADHAVAN (*Excise Commissioner*): Government have nothing to do with that. That is for the merchants to look into.

Laying of water pipes along the Brigade Lane Road, Kunnukuzhi.

349. ***MR. G. NILAKANTAN** (*Nominated*): Will the Government be pleased to state:

(*a*) the time taken to lay the water pipes along the Brigade Lane Road, Kunnukuzhi;

(*b*) the date on which the above work was started; and

(*c*) the number of water taps erected in the lane and the time taken to put them up?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (*a*) One month and eleven days for laying the water pipes and a further period of one month and thirteen days for testing, backfilling and restoring the road.

(*b*) 9-4-1111.

(*c*) Three. Of these two are in service now. The erection of fountains was taken up in 4/12 and completed in 5/12 except for the platform of one of them.

MR. G. NILAKANTAN (*Nominated*): May I know the expenditure incurred for this work?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): I claim notice.

Improved Main Central Road.

350 ***MR. G. NILAKANTAN** (*Nominated*): Will the Government be pleased to state whether they contemplate having an improved main central road from Cape Comorin to Ernakulam *via* Quilon and Mavelikara, and paving the same with cement concrete?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): No.

Smuggling on the Northern Frontier.

351 ***MR. G. NILAKANTAN** (*Nominated*): Will the Government be pleased to state:

(*a*) the present condition of the Illikkotta reserve on the northern frontier;

(*b*) how far it serves as a barrier against smugglers; and

(*c*) whether there is any proposal to protect the northern frontier with barbed wire fencing, to check smuggling?

MR. C. O. MADHAVAN (*Excise Commissioner*): (*a*) The bamboos in the Illikkotta reserve flowered and perished in 1102. Though attempts have been made to replant the area with fresh bamboo plants, they do not thrive.

[Mr. C. O. Madhavan].

(b) Now it does not serve as an effective barrier against smugglers.

(c) The proposal is under consideration.

MR. G. NILAKANTAN (*Nominated*): May I know the amount spent for re-planting bamboo in the Illikkotta Reserve on the northern frontier, in the year 1102?

MR. C. O. MADHAVAN (*Excise Commissioner*): The Illikkotta or bamboo fortress, as it is called flowered in 1102; and thereafter there is no fortress there. Since then, Government have been trying to replant and spend some money for the purpose. Watchers were engaged, but not solely for replanting bamboos; they had to guard the frontier and also to replant bamboos.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether the Government tried to plant as they did in the eastern frontier?

MR. C O. NADHAVAN (*Excise Commissioner*): That was not attempted.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether bamboo fencing is an effective barrier against smugglers?

MR. C. O. MADHAVAN (*Excise Commissioner*): It was an effective barrier when it was in existence.

Piece-work schedule of the Government Press.

352. *MR. K. A. NARAYANA PILLAI (*Todupuzha cum Devicolam*): (1) Will the Government be pleased to lay on the table a copy of the Piece-work Schedule of the Government Press current when Government order R. Dis. No. 1130 of 25 Judicial, dated 6th/9th May 1925 was given; and

(2) will they be pleased to state:

(a) whether any alterations have been made in it since then;

(b) what those alterations, if any, are and

(c) whether, when, and by what order those alterations were sanctioned by Government?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (1) A copy of the Piece-work Schedule brought up to-date is placed on the Secretary's table;

(2) (a) Yes.

(b) and (c). The member is referred to the Schedule.

Particulars re: the piece-work done by employees of the Government Press.

353. *MR. K. A. NARAYANA PILLAI (*Todupuzha cum Devicolam*): Will the Government be pleased to lay on the table a statement showing for each of the months of Karkatakam 1111 and Chingam and Kanni 1112:

(a) the number of lines set up by the piece-workers;

(b) the number of hours of authors' correction done by them;

(c) the number of formes imposed by them;

(*d*) the number of lines in standing pages altered by them;

(*e*) the charges computed by the Press for each of the above items;

(*f*) the amounts objected by the Account Office in each of those items;

(*g*) the total monthly bill from the Press for the piece-workers for all their work; and

(*h*) the amounts actually received by them in those months?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*), (*c*) and (*d*). The number of lines set the number of formes imposed and the number of lines in standing pages altered all combined reduced to standard pages of foolscap folio came to—

Karkatakam	1111	...	4758	pp.	
Chingam	1112	...	2996	,,	
Kanni	1112	...	3888	,,	
(*b*) Karkatakam	1111	...	801	hours.	
Chingam	1112	...	618	,,	
Kanni	1112	...	487	,,	
			Rs.	Ch.	C.
(*c*) Karkatakam	1111		2592	5	1
Chingam	1112		1623	10	9
Kanni	1112		2125	11	12
(*f*) Karkatakam	1111		6	27	2
Chingam	1112		20	20	12
Kanni	1112			Nil.	
(*g*) Karkatakam	1111		5175	14	2
Chingam	1112		3673	6	13
Kanni	1112		4144	13	0
(*h*) Karkatakam	1111		5181	15	10
Chingam	1112		3652	14	1
Kanni	1112		4144	13	0

Appointments in the Government Press.

354. ***MR. K. A. NARAYANA PILLAI** (*Todupuzha cum Devicolam*): Will the Government be pleased to state:

(*a*) whether the selection for the recruitment of the piece-workers of the Government Press comes within the purview of the Public Service Commissioner; and

(*b*) whether the Superintendent of the Government Press has appointed fresh men as computors and proof-readers without reference to the Public Service Commissioner?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) No.

(*b*) No.

Work tickets of the piece-work employees of the Government Press.

355. *MR. K. A. NARAYANA PILLAI (*Todupuzha cum Devicolam*): Will the Government be pleased to state:

(*a*) whether all the work tickets of the piece-workers of the Government Press are duly entered without exception;

(*b*) whether any of them are destroyed; and

(*c*) the reasons for which any work ticket is destroyed?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) There are no work tickets kept for the piece-workers of the Government Press

(*b*) and (*c*). In view of the answer to part (*a*) these do not arise.

Work done by the Protector of the Depressed Classes.

356. * MR. T. T. KESAVAN SASTRI (*Nominated*): Will the Government be pleased to state the work done by the Protector of the Depressed Classes, from the month of Chingam to the month of Makaram 1112, by way of protection of the depressed classes?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Besides office work relating to various aspects of ameliorative measures, he has done out-door work, the more important of which, are noted below:—

(1) Inspection of lands for assignment in the Nellanad pakuthi in the Nedumangad taluk, Pandalam Vadakkekara pakuthi in the Tiruvalla taluk, Vazhapally, and Kanjirapally pakuthies in the Changanachery taluk, Kondoor pakuthi in the Minachil taluk, Kolachel and Eraniel pakuthies in the Kalkulam taluk, and Pallichal in the Neyyattinkara taluk.

(2) Inspection of all the earmarked lands in Adoor, Kunnathur, Poruvazhy, Pallikkal, Kodumon and Enadimangalam pakuthies in the Kunnatur taluk.

(3) Establishment of colonies in Nariculam and Meenamkulam.

(4) Inspection of sites for burial grounds in Tiruvalla and Mavelikara and in the Champakulam, Nedumudi, Kainakari, Thakazhy and Ambalapuzha pakuthies in Ambalapuzha taluk.

(5) Inspection of depressed class hostels at Pattazhi and Thadiyoor.

(6) Preliminary work in connection with the sinking of wells at Udiyankulangara and Kaviyoor.

(7) Inspection of depressed class schools in Tiruvalla, Madathara and Chunnakara.

(8) Inspection of Co-operative Societies Nos. 1960, 285 and 460.

(9) Persuading depressed classes to do the earth work for an approach road to the Sivasubramoniapuram Cheri.

(10) Inspection of cheries and recommendation for the provision of latrines.

(11) Addressing the meetings of depressed classes.

(12) Construction of common buildings.

MR. T. T. KESAVAN SASTRI (*Nominated*) : പട്ടാഴ്യും തടിയൂരമുള്ള ഹോസ്റ്റലുകൾ പരിശോധിച്ചതായി കാണുന്നു. ഈ ഹോസ്റ്റലുകൾക്ക് അധഃകൃതസംരക്ഷണവകുപ്പിൽനിന്നും എന്തെങ്കിലും ഗ്രാൻറ് നൽകുന്നുണ്ടോ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : ഗ്രാൻറു കൊടുക്കുന്നതായിട്ട് അറിവില്ല.

MR. T. T. KESAVAN SASTRI (*Nominated*) പരിശോധനയിൽനിന്നും ഈ ഹോസ്റ്റലുകൾക്ക് ധനസഹായം ചെയ്യേണ്ടതാവശ്യമാണെന്നുള്ള വിവരം അധഃകൃത സംരക്ഷകൻെറ ദൃഷ്ടിയിൽ പെട്ടിട്ടുണ്ടോ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): അതിനെപ്പററിയും അറിവില്ല,

MR. T. T. KESAVAN SASTRI (*Nominated*) അധഃകൃതർ നടത്തിവരുന്ന സ്ഥാപനങ്ങൾക്ക് അധഃകൃത സംരക്ഷണവകുപ്പിൽനിന്നും വേണ്ട ധനസഹായം ചെയ്യുന്ന വിഷയത്തിൽ ഗവൺമെൻറിൻെറ ദയാദൃഷ്ടി ഉണ്ടാകുമോ?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): അങ്ങിനെയുള്ള സ്ഥാപനങ്ങൾക്ക് കഴിയുന്നിടത്തോളം വേണ്ട ധനസഹായം ചെയ്യുന്നവിഷയത്തിൽ ഗവൺമെൻറു ഗൗനിക്കുന്നതാണ്.

Grant-in-aid Reading Rooms.

357. ***MR. T. T. KESAVAN SASTRI** (*Nominated*): Will the Government be pleased to state the names of grant-in-aid reading rooms in Travancore and the amount of grant given to each ?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): A statement * containing the information asked for by the Member is placed on the table.

Grant to stud-bulls.

358. ***MR. T. T. KESAVAN SASTRI** (*Nominated*) Will the Government be pleased to state ;

(*a*) whether any grant is being given to the owners of stud bulls ;

(*b*) if so, the number of stud bulls for which grants have been allowed during the years 1111 and 1112; and

(*c*) the names of the owners of such stud bulls ?

MR. K. R. NARAYANA AIYAR (*Director of Agriculture and Fisheries*) ;

(*a*) Yes.

(*b*) 15, each year.

(*c*) The information required is contained in the notices published in the Agricultural Department sheets of the Government Gazette dated 11th February 1936 and 12th January 1937.

**Vide* Appendix II—pages 1066 and 1067.

Disafforestation and registry of the Karikulam Reserve.

359. ✻ MR. T. T. KESAVAN SASTRI (*Nominated*): Will the Government be pleased to state whether they have decided to disafforest and assign on registry the Karikulam reserve in Ranni pakuthi Pattanamtitta taluk?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): No

MR. T. T. KESAVAN SASTRI (*Nominated*): കാരിക്കുളം റിസർവിൽനിന്നും ഗണ്യമായ ആദായം ഗവണ്മെൻറിനു ലഭിക്കുന്നില്ലെന്നുള്ള വിവരം ഗവണ്മെൻറിന്റെ ദൃഷ്ടിയിൽ പെട്ടിട്ടുണ്ടോ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): ആദായം എത്രയുണ്ടെന്നു നിശ്ചയമില്ല. എങ്കിലും വനസംരക്ഷണത്തിനു അതു റിസർവിൽനിന്നും ഒഴിവാക്കാതിരിക്കേണ്ടതാവശ്യമാണ്.

MR. T. T. KESAVAN SASTRI (*Nominated*): ഈ റിസർവിന്റെ നാലുവശവും കുടിപാർക്കുന്നതിനും കൃഷിക്കുമായി പതിച്ചുകൊടുത്തിട്ടുണ്ടെന്നുള്ള വിവരം ഗവണ്മെൻറിനറിയാമോ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): അങ്ങനെ ആയിരിക്കാം.

MR. T. T. KESAVAN SASTRI (*Nominated*): ഈ സ്ഥലം പാർക്കാൻ സ്ഥലമില്ലാത്തവർക്കു പതിച്ചു കിട്ടണമെന്നു ഗവണ്മെൻറിനു മെമ്മോറിയൽ സമർപ്പിച്ചിട്ടുണ്ടെന്നുള്ള വിവരം ഗവണ്മെൻറിനറിയാമോ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): അങ്ങനെയുള്ള അപേക്ഷകൾ കിട്ടിയിട്ടുണ്ട്; അതു പതിച്ചുകൊടുക്കാനിടയില്ല എന്നു മറുപടിയും കൊടുത്തിട്ടുണ്ട്.

Conversion of the Kesavapuram Market trace into a cart road.

360. ✻ MR. K. R. ELENKATH (*Kalkulam I*): Will the Government be pleased to state:

(*a*) whether they have received any representation from the public urging the necessity for converting the Kesavapuram market trace into a cart road and

(*b*) if so, what action has been taken on the representation?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (*a*) Yes.

(*b*) An estimate has been sanctioned and the work will be taken up when funds become available and the lands are surrenderd free by the interested people.

MR. K. R. ELENKATH (*Kalkulam I*): With reference to the answer to part (*b*) of the question may I know whether the public have expressed their willingness to surrender lands free of cost, for the construction of the road?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Yes, Sir.

MR. K. R. ELENKATH (*Kalkulam I*): Then what is the delay in working out the estimate?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Funds have to be provided.

MR. K. R. ELENKATH (*Kalkulam I*): In view of the large revenue by way of market tolls, derived from the trace leading to the Kesavapuram market, will the Government take up the question of converting it into a road immediately?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The interested parties have not given written undertaking to surrender the lands in question. That has first to be done.

MR. M. SIVATANU PILLAI (*Tovala*): May I know the income derived from the market?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): I claim notice. I do not think that it has anything to do with the question of converting the trace into a road.

MR. M. SIVATANU PILLAI (*Tovala*): I want to know whether the Government are in possession of information regarding the yearly income derived from this market to which there is a road?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): I have already claimed notice.

Quantity of salt imported and stocked in 1111.

361. * **MR. K. R. ELENKATH** (*Kalkulam I*): Will the Government be pleased to state:

(*a*) the quantity of salt stocked in the factories and Government depots as it stood at the end of 1111;

(*b*) the quantity of foreign salt and home salt out of the same; and

(*c*) the quantity of foreign salt imported in 1111 and till the end of Dhanu 1112?

MR. C. O. MADHAVAN (*Excise Commissioner*):

(*a*) 20,77,162 maunds.

(*b*) Foreign salt	...	58,269 maunds,
Local salt	...	20,18,893 maunds.
(*c*) In 1111	...	87,488 maunds 33 seers and 5 5/9 tolas.
Up to the end of Dhanu 1112	...	17,818 maunds 5 1/8 seers.

MR. K. R. ELENKATH (*Kalkulam I*): In view of the large excess of salt, may I know what prompted the Government to get down a large quantity of foreign salt?

MR. C. O. MADHAVAN (*Excise Commissioner*): No large quantity of foreign salt is being imported now. For special reasons, some foreign salt is being imported. The people of North Travancore have

[Mr. C. O. Madhavan.]

a partiality for Bombay salt. Sir, the Government do not want to discontinue the supply of Bombay salt all at once in those places. But, it has been decided now by Government not to import any Bombay salt hereafter. About 13,000 to 14,000 mds. of salt is brought to Shencotta from Tuticorin. That is on account of the facility with which salt can be transported from Tuticorin to Shencottah. If it is to be sent from our factories, the cost of transport will be prohibitive. Government are considering the question whether the salt from our factories can be transported to Shencottah also. If it is found to be worthwhile, that will be done.

Memorial from the Valans of Shertala regarding the catching of prawns.

362. *MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Will the Government be pleased to state:

(*a*) whether they have received a memorial from the Valans of Shertala regarding their grievances in the catching of prawns and

(*b*) if the answer to part (*a*) is in the affirmative, the date of the same and whether any action has been taken on the same?

MR. K. R. NARAYANA AIYAR (*Director of Agriculture and Fisheries*): (*a*) Yes.

(*b*) 27th January 1937. The matter is under consideration.

N. D. Anchal Office at Kanakappalam.

363. *MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): Will the Government be pleased to state:

(*a*) whether they have or the Anchal Superintendent has ordered to shift the N. D. Anchal Office from Kanakappalam to Erumeli Pettah;

(*b*) the date of the establishment of the said office at Kanakappalam;

(*c*) at whose instance it was established;

(*d*) whether the applicants for the establishment of it were asked to deposit any amount as security to meet the loss, if any, that may be incurred in the working of the said office;

(*e*) whether any of the said applicants deposited such security;

(*f*) the amount so deposited;

(*g*) whether the amount was returned to the depositor, and, if so, the date of the return of the same;

(*h*) the annual income from and the annual expenditure towards the working of the said office from its inception to the end of 1111 M. E.; and

(*i*) the reasons for the shifting of the said office to Erumeli Pettah?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*). (*a*) Yes.

(*b*) 1-11-1102.

(c) It was opened at the request of the inhabitants of Erumeli, Kanakappalam, Vettukallanniravoo, Poriyanmala, Vazhakala, Manipuzhavaloo, Peroothode, Kutukavalli, Chempakapara, etc.

(d) Yes.

(e) Yes.

(f) 300.

(g) Yes; refunded on 17-2-1106.

(h) A statement showing the income and expenditure is placed on the table.

(i) Erumeli is a more central place, while Kanakappalam is at the extremity of the delivery area of the office.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): എപ്പോഴാണ് കനകപ്പാലം അഞ്ചലാപ്പീസ് എരുമേലിക്ക മാററാനായ ഉത്തരവുചെയ്തതു്?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Less than a month ago.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): ഇതു് അഞ്ചൽ സൂപ്രണ്ടിൻെറ ഉത്തരവാണോ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): ഗവൺമെൻറുത്തരവാണു്.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): പണം കെട്ടിവച്ച ആളുകളുടെ പേരുപറയാമോ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): പേരറിഞ്ഞുകൂടാ. ഇതു് ൧൧൦൨-ലൊ മറേറാ നടന്ന ഒരു സംഗതിയാണു്.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): ഏതു കരക്കാരാണു് പണം കെട്ടിവച്ചതെന്നു പറയാമോ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): അറിഞ്ഞുകൂടാ.

The Alapra road in the Tiruvalla taluk.

364. *MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): Will the Government be pleased to state:

(a) whether the Government or the Chief Engineer has got application from the inhabitants of Manimala pakuthi in the Changanachery taluk requesting the Government to take charge of the Alapra road cut open by the people of the locality and connecting the Bastow road in the Tiruvalla taluk with the Manimala-Ranni road at the fourth mile;

(b) the dates of the several applications; and

(c) the action taken by the Government on those applications?

* *Vide* Appendix III,—page 1068.

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (*a*) No.
(*b*) & (*c*) These do not arise in view of the answer to part (*a*).

Grant-in-aid to Vernacular Schools.

365. * MR. A. S. DAMODARAN ASAN (*Mavelikara*): Will the Government be pleased to state:

(*a*) the number of classes in the Vernacular Schools for which grant-in-aid has not been given in the month of Karkatakam 1111 on account of want of funds; and

(*b*) the amount that is required for giving grant-in-aid to all deserving cases in which such aid is not given at present?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): (*a*) 100.

(*b*) Rs. 787-0-0 per mensem.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether grants have been given subsequently?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I do not think so.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is the member sure about it?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I am not sure.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether directions are given to give grants to these classes subsequent to Karkatakam 1111?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): That depends upon the funds available.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I wish to know whether the member has issued directions for giving the grant to those schools that have not been given grant?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): The total amount allotted for grants has been distributed among the Inspectors; if they have funds they will certainly give grants to those classes.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether the Director has issued directions to the Inspectors to see that these schools are given grants?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I have issued instructions that to the full extent of the funds available grants should be distributed.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Has he received any reports from the Inspectors that they have not been able to distribute grants to those schools for want of funds?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I received reports in connection with this interpellation.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know what is the information that he got from those reports with regard to the classes that are even now not getting grants?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): Want of funds.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): What is the number of classes that are still not getting grants?

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): That is given in the answer, 100.

Trivandrum Town Planning.

366. *MR. S. J. NAIR (*Nedumangad*): With reference to question No. 1, at the 8th Session of the Assembly answered on the 27th July 1936, will the Government be pleased to state:

(*a*) in connection with the acquisition of buildings for the Trivandrum Town Planning, how many buildings were acquired, and how many buildings valued by the Assistant Engineer, who was a Special Officer for the purposes of acquisition;

(*b*) what has become of the buildings that were acquired;

(*c*) whether compensation has been actually given for all the buildings that were acquired;

(*d*) if the answer to part (*c*) is in the affirmative, what is the total amount paid;

(*e*) whether the whole land in Thampanoor valley was acquired for the purpose of Town Planning;

(*f*) if the answer to part (*e*) is in the affirmative, how many acres of land were acquired;

(*g*) if the answer to part (*e*) is in the negative, why the whole land was not acquired, in spite of the appointment of a Special Land Acquisition Officer for the purpose;

(*h*) what is the amount that has been expended till 30th Kanni 1112 M. E. for the purpose of Town Planning;

(*i*) what are the items of expenditure incurred and their separate amounts;

(*j*) whether the work of Town Planning continues or is discontinued; and

(*k*) if discontinued, why?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) 86 buildings were acquired in connection with the Trivandrum Town Planning. The Special Assistant Engineer valued 64 buildings in connection with the improvements to the Vellayambalam-Mascot Hotel road and 660 buildings in Thampanoor valley.

(*b*) The kutcha and dilapidated buildings were sold in public auction. In the remaining ones some of the Government offices in Trivandrum which were held in private buildings till now are accommodated, while a few others have been let out on rent to private persons.

[Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai.]

(c) Compensation has either been actually paid to the parties or deposited in the Treasury for all the buildings that were acquired.

(d) Out of a total amount of Rs. 70,819-7-9 awarded, a sum of Rs. 64,696-7-9 was actually paid to the parties and the balance *viz.*, (Rs. 6,123) placed under Revenue Deposit.

(e) No land was acquired in the Thampanoor valley for the purpose of Town Planning.

(f) This does not arise.

(g) the work in connection with the acquisition of lands in Thampanoor valley has been ordered to be suspended until further orders.

(h) The expenditure on Town Planning works in Trivandrum to the end of Kanni 1112 is Rs. 6,36,624.

(i) A *statement containing the information is placed on the table.

(j) and (k) The proposals for the current year 1112 M. E. have not been settled yet. There is a provision of 10 lakhs of rupees in the current year's budget.

Irrigation Works.

367. *MR. A. S. DAMODARAN ASAN (*Mavelikara*): Will the Government be pleased to state:

(a) the amount actually spent for the execution of irrigation works from the date on which a Special Irrigation Section was formed in the P. W. D. until now (30-2-1112) and the number of works now completed and the number now under execution;

(b) the number of works for which estimates have been sanctioned and the reason for the delay in the execution of the same;

(c) whether it has been realised by the Irrigation Department or the Government that the delay is due to the preliminary steps that are now taken under the Irrigation Regulation for getting the consent of the land-owners for paying cess or contribution:

(d) whether the Government have considered the advisability of suspending their rights under those provisions of the Irrigation Regulation until the ryots are restored to normal conditions;

(e) whether the recommendations of the Minor Irrigation Committee to suspend the rights under the above provisions and to amend the Irrigation Regulation have been yet considered by the Government; and

(f) the additional amount spent till now on account of the separation of the Irrigation Division?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (a) The amount spent for the works until 30-2-1112 is Rs. 2,95,503. The number of works completed is 99 and those under execution 69.

(b) 157. The delay is mostly due to non-acquisition of lands and in some cases due to objection from the ryots and in certain others due to unfavourable weather conditions.

(c) Yes; the preliminary steps referred to cause delay in getting estimates sanctioned.

* *Vide* Appendix IV.—Page 1068

(*d*) & (*e*) These are under the consideration of Government.

(*f*) It is not possible to furnish the information as the period is not specified.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): With reference to answer to part (*f*), may I know the additional amount spent till now, *i. e*, 30-2-1112 as is clear from part (*a*) of the question, on account of the separation of the Irrigation Division?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The expenditure on account of the establishment in 1110 was Rs. 27 thousand and odd and, in 1111 Rs. 33,435.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): With reference to the work referred to in part (*a*) of the question, may I know whether those works are protective or re-productive.

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): All irrigation works are included in the list.

Health Unit at Shertala.

368. *MR. K. M. KRISHNAN (*Ambalapuzha II*): Will the Government be pleased to state:

(*a*) whether representations were made to start a Health Unit at Shertala; and

(*b*) if so, when and with what result?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) Yes.

(*b*) In 1934, 1935 and 1936. After duly considering the representations Government gave up the idea of a Health Unit and sanctioned the extension of filariasis control work which was the main public health problem at Shertala.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know, the reason why the idea of starting a Health Unit at Shertala was abandoned?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The original idea was to reduce the staff of the Health Unit at Neyyattinkara and transfer that staff to Shertala and start a new Unit there. The matter was referred to the authorities of the Rockefeller Foundation but they were not prepared to continue the grant to Neyyattinkara Unit if Government made any reduction in the staff there. So, the idea of transferring a portion of the staff from Neyyattinkara to Shertala had to be given up and as there were not sufficient funds to start a new Health Unit at Shertala with the necessary equipment, it was decided only to extend the filariasis control work there.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know whether the Rockefeller Foundation consented to finance the Travancore Darbar in case......

PRESIDENT: We have given up the use of the word 'Darbar.'

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know whether the Rockfeller Foundation consented to finance the Travancore Government in case the Government would establish a Health Unit at Shertala?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes, Sir, a financial contribution was promised by the Rockefeller Foundation for a Health Unit at Shertala. But when the question was placed before the Finance Committee at the meeting in August 1935 they were of opinion that the staff of the Health Unit at Neyyattinkara should be reduced and sent to Shertala and with the financial help promised by the Rockefeller Foundation a Health Unit should be started at Shertala. But the Rockefeller Foundation was not prepared to continue their financial help to the Neyyattinkara Health Unit if the staff there was reduced. That institution has been working there for some years, and Government did not want to abolish it. Government preferred to continue the Health Unit at Neyyattinkara and to extend the filariasis control work at Shertala.

MR. K. R. ELENKATH (*Kalkulam I*): May I know the proportion of the contribution?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I believe the Rockefeller Foundation offered 50 per cent of the expenditure in the first year, one-third in the second year and one-fourth in the third year, and thereafter nothing.

Bus service on the Quilon-Alleppey road.

369. ***MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) whether the then Chief Engineer has, in his letter No. 750 dated 13-5-1933, permitted one and a half ton buses to ply for hire on the Quilon-Alleppey road:

(*b*) the total number of one and a half ton buses plying for hire on the Quilon-Alleppey road in 1110 and in 1111 respectively; and

(*c*) the period during which these one and a half ton buses have been or were plying for hire on the Quilon-Alleppey road?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): (*a*) Yes.

(*b*) In 1110—1.
In 1111—2.

(*c*) T. V. R. 3146—from 12-11-1109, and
T. V. R. 3246 from 4-5-1111, up to date.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know the total number of one-and-a half ton buses running between Quilon and Alleppey?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): Two.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*). May I know whether they are the very same buses referred to in the answer to part (*c*) of the question?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): The Postal and Anchal buses. But I am not sure of their T. V. R. numbers.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether the two buses referred to are now plying for hire in the line?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I claim notice.

Grievances of lorry owners.

370. *MR. P. C. KURIYAN (*Kottayam I*): Will the Government be pleased to state:

(*a*) whether they have received any representation regarding the grievances of the lorry owners at Kottayam;

(*b*) whether the Commissioner of Police has addressed the Chief Engineer on the subject;

(*c*) the amount of load the Motor Transport Company at Kottayam is allowed to carry in their lorries along the K. K. road;

(*d*) whether they have fixed any limit to the load the Transport Company is allowed to carry on their vehicles;

(*e*) the amount of load the Motor Transport Company is carrying in their vehicles usually; and

(*f*) whether the rules in this matter are the same for the Motor Transport Company, Ltd., and other firms at Kottayam?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): (*a*) Yes.

(*b*) No.

(*c*) The lorries of the Motor Transport Company were registered for private use some years back. It was not the practice then to note in the registration certificate the amount of load to be carried, as there was no column therefor.

(*d*) No.

(*e*) It is reported that 4 tons of load are carried in Dodge six wheelers and two tons in Saurer lorries.

(*f*) Yes, in respect of similar types of vehicles irrespective of the company or individual who owns them.

MR. P. C KURIYAN (*Kottayam I*): With reference to answer to part (*d*) of the question may I know whether the Motor Transport Company at Kottayam is at liberty to carry any amount of load they please?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): The matter is under correspondence.

Water-supply schemes.

371. *MR. P. C. KURIYAN (*Kottayam I*): Will the Government be pleased to state;

(*a*) the number of water-supply schemes they are going to start in the near future;

(*b*) the places where the schemes are to be worked; and

(*c*) whether Kottayam compares favourably with such places in the investigations?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): (*a*) If, by 'start in the near future" the member means the starting of the construction of the Water Supply Schemes after completing the necessary investigations, the number of such schemes is three.

(*b*) Alleppey, Shencotta and Nagercoil.

(c) The question whether Kottayam compares favourably with such places in the investigations does not arise since Government have not yet ordered the Water Works and Drainage Engineer to take up detailed investigation. A report has been called for from him. For preparing the report, he is under correspondence with the President, Municipal Council, Kottayam.

Traffic on the Nagampadam Bridge.

372. * MR. P. C. KURIYAN (*Kottayam I*): Will the Government be pleased to state:

(a) the number of bridges on the M. C. road with a wooden platform;

(b) the number of buses and cars that pass through the Nagampadam bridge on any single day; and

(c) whether there is any bridge in the State which has got greater traffic than the bridge at Nagampadam?

MR. R. PITCHU AIYANGAR (*Commissioner of Police*): (a) Three.

(b) No census of the traffic is available but it is reported that on a casual reckoning a bus or a car passes the bridge every 15 minutes.

(c) Yes.

Sinking of a well by the side of the Eraniel-Rajakkamangalam road.

373. * MR. A. EASWARA PILLAI (*Kalkulam II*): Will the Government be pleased to state:

(a) whether a public well is being sunk near Kurundancodu by the side of the Eraniel-Rajakkamangalam road;

(b) whether the work is being stopped and for what reasons; and

(c) whether the work could be finished this year 1112?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (a) Yes.

(b) The work has been stopped temporarily owing to the failure of the contractors.

(c) Yes.

Appendix I.

Vide Answer to Question No. 347.

Extract from the minutes of the meeting of the South Indian Railway Advisory Board.

By Mr. Janardanan Pillai.

1. To open a flag station at the place where the Railway line crosses the Main Central Road near Kottarakara station.

The Chairman explained that the site suggested was on a gradient on which it was not practicable to construct a station. He added that the existence of a bridge nearby further accentuated the difficulty of locating a station there. He, however, stated that a station might be considered at a point about a mile and a half east of Kottarakara but that it would be too close to the Kottarakara station and that traffic at this station would suffer if a new station were opened at the site. The Committee desired that a flag station be opened at the latter site, as an experimental measure, for about six months. The Chairman agreed to arrange for a temporary halt of the trains at this point.

2. To open, as early as possible, an Indian Refreshment Room at Shencottah under the management of the Railway Company.

The Committee were informed that the construction of the Indian Refreshment Room at Shencottah would be taken in hand in 1937-38 and that it would, probably, be managed by the Railway itself.

3. To arrange for the delivery of the parcels booked to Alleppey within 36 hours from the time of their receipt at Ernakulam.

It was not clear whether the delay was due, actually, to customs examination being made at Arukutty instead of at Alleppey as was stated by the Madura Company, or as it was alleged by the Travancore Member, to the fact, that the Madura Company transported the parcels by country "Vallams", instead of by steam launches and that after waiting for days for a full boat load. The Chairman promised to go further into the matter and bring the subject again for consideration.

4. To provide more latrine accommodation in all third class compartments.

The Chairman stated that in all new coaches, one latrine for every 16 passengers was being provided, against one for every 30 passengers, specified by the rules on the subject. In the old carriages, however, the provision of latrines is not on so liberal a scale but the heavy cost of the alterations puts out of the question any such step being considered.

5. To construct a foot bridge across the station yard at Alwaye as the necessity for such a bridge is felt by the citizens of Alwaye.

Appendix I—(contd.)

The Chairman outlined the history of this case and pointed out that there were two overbridges at either end of the station and that a third foot bridge in between was not essential at all. Further, on a representation from the Travancore Government the site was inspected jointly by the State Executive Engineer and a Railway Engineer, when it was agreed that a foot bridge across the track was not justified. The Chairman concluded that the Railway Administration was not prepared to consider the provision of a bridge at its cost. The Committee, with the exception of Mr. Janardanan Pillai, considered that from the Railway point of view, the bridge was not required.

Appendix II.

Vide Answer to Question No. 357

List of Grant-in-aid Libraries (1111 M. E.)

A. Urban Libraries.

No.	Name of Reading Room and Library.	Taluk.	Amount Rs.
1	Nagercoil S. M. R. V. Club.	Agastiswaram	120
2	Marthandam Y. M. C. A.	Vilavankod	60
3	Vanchiyoor Sri Chithira Thirunal.	Trivandrum	200
4	Trivandrum Gomathinayagom Memorial.	Do.	50
5	Karamana S. M. R. V. Association.	Do.	60
6	Attingal Malloor Vilasam	Chirayinkil	60
7	Kottayam Reading Room.	Kottayam	120
8	Kottayam Y. M. C. A.	Do,	60
9	Kottayam Vanivilasam Anglo Vernacular, Thirunakara.	Do.	40
10	Kottayam Sri Karthika Thirunal Ladies Reading Room and Library—C. N. I. House, Kottayam.	Do.	20
11	Karapuzha Bharathivilasam.	Do.	30
12	Kandiyoor Janapradayani	Mavelikara	70
13	Sree Moolam Reading Club.	Shencotta	50

APPENDIX II—(*contd.*)

B. Rural Libraries.

No.	Name of Reading Room and Library.	Taluk.	Amount Rs.
1	Thazhakudi S. M. S. J. Reading Room and Krishnavilasam Library.	Thovala	60
2	Swami Vivekananda Village, Cape Camorin.	Agastiswaram	40
3	Theroor Chentamil Kazhakam.	Do.	40
4	Rajakamangalam Pazhayakada Sarojini Vilasom	Do.	10
5	Parassala Sankaravilasom	Neyyattinkara	100
6	Paranium Y. M. C. A.	Do.	250
7	Malayinkil Krishnavilasom.	Do.	70
8	Kulathoor Sri Narayana Memorial.	Trivandrum	30
9	Thirumala Sri Rama Vilasom	Do.	30
10	Murukumpuzha Sri Narayanavilasom.	Do.	30
11	Chirayinkil Sri Uttradam Thirunal.	Chirayinkil	80
12	Goda Varma Vilasam, Kilimanoor.	Do.	15
13	Y. M. C. A., Kundara.	Quilon	20
14	Padmanabha Rao Memorial, Nedungolam	Quilon	25
15	Sri Chithira Thirunal Coronation.	Kunnathoor	25
16	Padanayarkulangara Lalji Memorial.	Karunagapally	16
17	C. Padmanabha Pillai Memorial.	Do.	30
18	Eroor Desabandhu, Cheppad.	Kartikapally	110
19	Ramapuram (Keericad) Sri Mula Raja Vijiyam.	Do.	45
20	Champakulam Leo XIII.	Ambalapuzha	30
21	Thalavadi Anaprambel Y. M. N. A. Public.	Do.	20
22	Ayroor Sri Subramonia Vilasam.	Tiruvalla	25
23	Chengannur Dixon.	Do.	20
24	Sri Balakrishna Vilasam, Ezhumattoor.	Do.	15
25	Mundankavu Sankara Vilasom.	Do.	20
26	Vadaserikara Sri Mulam Recreation Club.	Pattanamtitta	100
27	Keezhukara Y. M. C. A.	Do.	30
28	Manimala Sri Vilasom.	Changanachery	25
29	Thuravoor Sri Narasimhavilasam.	Shertala	40
30	Kalyani Lakshmi, Kadakarapally.	Do.	15
31	Thodupuzha Sri Mulam Silver Jubilee.	Thodupuzha	70
32	Devikulam Sri Mulam Club.	Devikulam	120

Appendix III.

Vide Answer to Question No. 363.

Income and Expenditure of Kanakappalam Anchal Office from the date of its inception till the end of 1111 M. E.

Year.	Income. Rs.	Chs.	Ca.	Expenditure. Rs.	Chs.	Ca.
1102 (opened on 1-11-1102)	68	24	9	34	14	0
1103	362	19	3	207		
1104	361	25	15	207		
1105	839	5	5	243		
1106	255	3	6	267		
1107	170	6	0	267		
1108	220	11	4	267		
1109	245	16	3	267		
1110	273	9	9	267		
1111	336	15	12	267		

Appendix IV.

Vide Answer to Question No. 366.

Statement showing the expenditure incurred on Town Planning works up to the end of Kanni 1112.

No.	Name of work.	Expenditure to end of Kanni 1112.
		Rs.
1	Acquisition of land and building for extending the premises of the Kowdiyar Palace to the south as far as the proposed new road to Golf Links ...	62,591
2	Constructing square in front of Kowdiyar Palace and Avenue road to Vellayambalam Kowdiyar Palace gate to Belhaven Circle ...	1,49,936
3	Do. Do. Belhaven Circle to Vellayambalam junction ...	1,08,796
4	Laying out Kowdiyar Square and widening T. S. road up to Salvation Army junction ...	30,319
5	Opening a new road from T. S. road near Salvation Army junction to Golf Links ...	22,014

APPENDIX IV.—(*contd.*)

No.	Name of work.	Expenditure to end of Kanni 1112
		Rs.
6	Investigation for Improvements to roads etc., Trivandrum Town estimate I of 1109 ...	902
7	Do. Estimate II of 1109 ...	847
8	Do. Estimate I of 1110 ..	912
9	Do. Estimate II of 1110 ...	894
10	Improvements to the road from Vellayambalam Square to Mascot Hotel Improvements to the road from Vellayambalam Square to Water Works junction ...	18,742
11	Do. Do. the road from Water Works junction to the east gate of Museum Estimate II ...	21,808
12	Do. Do. the road from East gate of Museum to the west gate by constructing a new deviation road between Park View and the east gate of Museum through the premises of the Public Gardens	21,218
13	Do. the road from west gate of Museum to Mascot Hotel	10,993
14	Investigation for improvements to roads etc., in Trivandrum Town Estimate 1111 ...	1,043
15	Do. Estimate II of 1111 ...	975
16	Improvements to the main road from East gate to Cantonment. Pegging out the centre line of realignment ...	77
17	Layout of Puthericandom ...	464
18	Investigation for Town Planning in Trivandrum. Purchase of surveyplans from the Drainage Department ...	291
19	Improvements to the road from Cotton Hill to Pangode II section ...	11
20	Lay out of the Thampanoor yelah. Valuation of building structures in the area ...	4,924
21	Lay out of Thampanoor valley ...	1,736
22	Improvements to the road from Vellayambalam Square to Mascot Hotel—Land Acquisition charges ...	1,76,944
23	Investigation for improvements to roads etc., in Trivandrum Town Estimate I of 1112 ...	141
	Total ...	6,36,624

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

Recommendations of the Minor Irrigation Committee – (*contd*).

MR. S. J. NAIR (*Nedumangad*) : I support the resolution. I was pointing out yesterday that there are four systems of paddy cultivation in vogue in the State; the Nanjinad system, the Punja system, the Nilamkrishi system and the Malankrishi system. As for the Nanjinad system since the starting of Kodayar Irrigation it is no more in need of water. For the Malankrishi system it depends upon the southwest monsoon. As for the Nilamkrishi system that needs the help of the Minor Irrigation works. This system is very often found in the eastern and central taluks in the State such as Kottarakara, Nedumangad, Chirayinkil, Neyyattinkara and Trivandrum. Of all these taluks, the most neglected in the matter of providing water for paddy cultivation are the taluks of Nedumangad and Chirayinkil. In recent times not a single *chira*, *todu* or *ana* has been improved in Nedumangad taluk in order to promote paddy cultivation in the taluk, so much so the people are often found converting excellent paddy lands into garden lands with a view to plant tapioca, plantain, cocoanuts, and arecanut trees. It is a sad spectacle to see the excellent paddy fields being converted into garden lands simply because the Irrigation Department does not bestow any attention to provide water to help and promote paddy cultivation in the Nedumangad taluk. The representatives of the two taluks, Nedumangad and Chirayinkil, have been representing and crying loud to see that in these two taluks, the *chiras*, *todus* and *anas* are improved for the purpose of paddy cultivation. But the department has not bestowed any attention at all for the purpose.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know from the member whether these two taluks are grouped together for the coming election?

MR. S. J. NAIR (*Nedumangad*) : Yes, they are. Even apart from the election question, there is only one road separating these two taluks. What the people of Nedumangad taluk require are the construction of more and more roads to help means of communication and the improvement of more and more *anas* and *chiras* for the purpose of paddy cultivation, and the starting up of more and more schools for the purpose of educating the children. These three things are not at all properly attended to by the authorities concerned. Travancore has been importing paddy in an enormous measure. It is essential that the production of rice must be made self-sufficient; the State should be made self-supporting so far as the production of paddy is concerned. Recommendation No. 3 of the Minor Irrigation Committee reads thus :—

> "The necessary investigation should be conducted in order to explore all possible means of extending paddy cultivation in the State."

So far as this recommendation is concerned, I may submit for the information of the House that it has not yet been carried out : and it is essential that this recommendation is explored to its fullest extent and brought to effect. With these words, I support the resolution so ably moved by Mr. Asan.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Sir, I have the greatest pleasure in supporting this resolution. The question of Minor Irrigation has been engaging the attention of various members on this side of the House and I myself have invited the attention of the House to this matter on several occasions. The difficulty in working out the Regulation of 1072 has been explained by the mover himself on account of the cumbersome nature of the rules and proceedings as laid down in the Regulation. I may say it is almost impracticable. Although the Regulation was passed so early as 1072 no appreciable work has so far been done towards the cause of Minor Irrigation. As a result of continued agitation on the part of the public, Government appointed a Committee in 1930. The terms of reference were mainly three: *viz.*, to investigate facilities and possibilities for Minor Irrigation, to find out whether a separate agency is required to carry out this work, and to submit proposals for amending the Regulation of 1072 as it was found unworkable.

The Committee did full justice to the work entrusted to them, and submitted their valuable report containing their recommendations which are under discussion now. It is very regretable that the Government, after receiving the report of the committee, did not pay any heed to the serious recommendations of the committee. This attitude of Government is manifested not only in this case but in the cases of the recommendations of several other committees also. Well in this case, Government at least partly accepted some of the recommendations, but there again I have to point out that the Government accepted those that ought to have come subsequently. As has been rightly remarked by Mr. Thanu Pillai during the course of another discussion yesterday, the Government were putting the cart before the horse. The main recommendation of the committee was to make immediately the necessary changes in the Regulation of 1072. Instead of doing that they accepted the recommendation of separating the Irrigation Department from the P. W. D., with the result that the Irrigation Department had to keep quiet as of old without doing any work, because of the cumbersome provisions in the Regulation. I hope that the Government will pay heed to the spirit of this resolution at least now and do the needful as early as possible, as the question is a vital one.

With regard to the special claims of my constituency, I may bring to the attention of this House, certain very important facts. As has been remarked by my friend Mr. S. J. Nair with regard to his constituency, I may also say that no where else is the necessity for minor irrigation works keenly felt as in the taluks of Kunnatnad and Muvattupuzha. The taluk of Kunnatnad alone comprises 61,000 and odd acres of paddy fields. In Muvattupuzha there are 46,000 and odd acres of paddy fields. These two taluks stand first and third in order of rice producing taluks. Hence the magnitude of the problem is most keenly felt in these areas. The people there are using a very primitive system of irrigation. The seriousness of the problem has reached a climax in these taluks on account of the law of individual

[Mr. K. M. Kuriakose.]
partition existing amongst the ryots there. The majority of the population are Christians. The system of individual partition was in vogue among them even before the advent of the Nair Regulation. The source of irrigation continues to be one while the holdings are now disintegrated and owned by many. The improvement of the common source of irrigation would be thought of only if the several holders join together which is almost impracticable. That is a very difficult problem and unless the Government come to the rescue of the ryots it is very difficult for the paddy cultivators to join together and improve the common source of irrigation. That is a very serious state of affairs. Mr. S. J. Nair said that many acres of paddy land were left uncultivated because of the want of proper irrigation facilities; and were being converted into garden land. This is a very alarming state of affairs, as Travancore has to import a considerable quantity of rice every year for the food of its people.

Now Sir, in this connection, I wish to submit, for the serious attention of the Government, that in order to solve this question of Minor Irrigation, as well as some other very necessary local questions which the Government find it difficult to solve, Village Panchayats must be establised. That was also a point discussed by the committee. Though the Village Panchayat Regulation was passed very long ago the Village Panchayat system has had the least encouragement from the Government. Look at the sister State of Cochin. The Village Panchayat system there is worked very properly and with very good results. There, works such as the construction and improvement of village roads, canals, tanks and *chiras* are all done by these Panchayats. As the institution is one most beneficial to the people it is up to Government to encourage it. I sincerely hope that this problem will be solved by the institution of the Village Panchayat system alone, and that Government will pay their early attention to adopt effective measures to encourage the establishments of Village Panchayats in all taluks immediately and subsequently in all *pakuthies*. With these words I support the resolution.

MR. A. THANU PILLAI (*Trivandrum—Rural*): I wish to say a few words on this resolution. The committee submitted its report in October 1931. Two of their main recommendations have already been given effect to by Government. One relates to the formation of a separate Irrigation Division, and the other the formation of a separate Irrigation Fund. The other main recommendations of the committee, which to me appear to be substantial recommendations have not been given effect to. These two recommendations are only subsidiary in the sense that they are required only to give effect to the other main recommendations. The Government made a serious mistake in not giving effect to the substantial recommendations before forming a separate Irrigation Division. What is the result of forming a separate Division? In 1109 when the new Division was formed, it was able to spend Rs. 81,000 and odd on protective irrigation. In 1110 a sum of Rs. 2,45,000 was allotted for new works, of which the department was able to spend only Rs. 1,02,000. In 1111, a sum of Rs. 2,77,000 was allotted for original works such as the restoration of tanks and channels,

Of this they were able to spend only Rs. 1,50,000. I should submit that it is disgraceful on the part of the department not to spend even these small amounts that were allotted. Now, to spend 1½ lakhs of rupees in 1111, there were 1 Executive Engineer, 2 or 3 Assistant Engineers and a number of Supervisors. Their pay itself consumes a large amount of money. I do not know what substantial work they have done. I think there is something radically wrong in the whole system. As for the fund that the committee recommended I wish to say a few words. The fund is allowed to accumulate and very little is actually spent every year. Now Sir, what is the casue for this state of affairs. This question has been discussed on the floor of this House very many times. At least half a dozen times in a year this matter happens to be discussed. Still the Government do not seem to grasp the real significance of the discussion or the real importance of the subject.

Sir, what I want to say at this juncture is that the Government will do well to realise that the solution of this irrigation problem by adequate means, though the work may seem to be unostentatious, will be a very very substantial means of improving the conditions of the ryots of the State.

In very many taluks, irrigation tanks form the real mainstay, I may say, of cultivation. The Land Revenue Department might be perhaps aware that during the last few years crops were almost continuously failing in 5 or 6 places. What was it due to? That was due mainly because of the fact that these irrigation tanks were not kept in good repair. The taluks of Chirayinkil, Nedumangad, Trivandrum, Neyyattinkara and Vilavankod, especially, suffer very much. There are remission rules which are not really helpful to the cultivators. The restoration of these tanks is a matter of very great importance. Of course, I speak on this motion not because I have anything new to say on it, which has not already been placed before Government, or which the other members of this House or Government themselves do not know. But because Government themselves attach very great importance to the question of minor irrigation. There is one particular recommendation of the committee which is noteworthy. On page 33 of the report there is a recommendation which runs as follows:—

> "It shall be the duty of the Irrigation Officer to consult the interested ryots as to the nature of the works to be done and get completion certificates in respect of the minor irrigation works, signed by the representatives of the ryots".

That seems to me to be a very important recommendation. There is a wide-spread complaint that these irrigation works, especially in connection with tanks, are not at all done satisfactorily, and very little supervision is exercised, with the result that no sooner a work is said to be complete than it becomes useless and lapses into its old condition of disrepair. The absence of supervision is due to these tanks being situated, more often, about two or three miles from the main roads so that it becomes impossible for the highly paid Engineers to go to those places in their motor cars: they can be approached only after walking

[Mr. A. Thanu Pillai.]

3 or 4 miles. The real interest that an officer of the department takes on the welfare of the ryots can certainly be assessed by his readiness to go to these places to inspect the works. I doubt whether the Executive Engineers or the Assistant Engineers really take the trouble to do so. They leave this item of their duty to their subordinates. I do not know whether Government have issued any instructions in the matter. Works are done very unsatisfactorily. The ryots are not benefited at all. Sir, there is absolutely no exaggeration in saying that the ryots think that the irrigation tank that is repaired by the department becomes more useless after repair than it was before. This is true in the case of most of these tanks. It was last year, I think, that I took the Chief Engineer to one of those tanks. I myself went to the tank and I was satisfied. Then I took the Chief Engineer to the place. He told me something by way of accusing the subordinate officers. I do not know what more he did. This is true not only of this tank but of all tanks. The whole work is neglected. This is one of the most important and helpful things that Government can do under existing conditions. Officers must be made to do their work; and whoever is found to neglect his duty should be seriously dealt with. There is no other way.

Government should also see that sufficient funds are allotted, and that whatever is allotted is spent. What is the meaning of maintaining a large staff if no work is done? Government published a Bill about 6 years after the recommendations of the committee were received. Let us deal with it as early as possible and see that something useful to the ryots is done by Government. With these words, I support this resolution.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): Sir I also support the resolution before the House. A good many facts have been stated by honourable members of this House in the course of the discussion. I propose to confine my remarks to a certain aspect of the matter which has not been adverted to. I was a member of the Trivandrum Minor Irrigation Committee about twelve or 15 years ago, and along with other members I took the trouble of visiting various places. Recently I have had an occasion to travel the whole country, and I can endorse the opinion expressed by Mr. Kuriakose and others that there is necessity for protecting Minor Irrigation Works, in Trivandrum, Nedumangad and other taluks. There is equal necessity for protective works in the northern taluks as well, though they did not press their claims as was done by the people in some other parts. Minor irrigation tanks were being cared for by the Government long long ago, and large sums were being allotted for their maintenance. At that time the Dewan Peishkar was the officer who had to look after the interests of the cultivators. The division of Governmental activities among the various Departments did not then prevail. At present, as is well known there is the Dewan Peishkar to look after the collection of revenue; the Director of Agriculture performs experiments and tries to make some demonstrations, the Public Works

Department is in charge of construction, maintenance and so forth. This divided authority makes it impossible for anybody to take a general interest in the question of minor irrigation. When matters are placed before Government, they always try to help the cultivators by giving directions to these authorities. There has been a policy of drift. What do we see? We see that almost all irrigation tanks have been filled up. It is not the neglect of the ryots alone; it is not the indifference of the Government Officers alone; but there are certain natural causes which has made these tanks useless. During the last 30 or 40 years, so much new lands has been brought under the plough and spade. The earth and debris washed down by the rivers at the time of flood find their way into the level country, and the earth so brought down has filled up many of the tanks. Even in the plains there is so much extension of cultivation that we find practically an avalanche of earth coming down. That is the real thing, so far as I am aware, that has to be combated. The trouble, however, is not peculiar to Travancore. In the Punjab also, we find that there is this trouble. But there is no reason why we shall not do something to combat the evil. Spend as much as you like; but, if protective works of a proper character are not maintained, the money spent on these tanks would be lost. More than that, there is an attitude of mind on the part of the people themselves to take advantage of the indifference of the Government by encroaching upon *poramboke* lands. I cannot but point out that for 50 or 60 years Revenue Officers have not taken sufficient interest in safeguarding and conserving the resources of the State. I do not want to talk at length on this motion, but always, in the history of the world, anybody who meddled with irrigation tanks received the highest penalty under the law. The filling of tanks was severely punished. That was what was being done even about 3,000 years ago. In the years 1045 to 1050, the Travancore Government felt the necessity for protecting these tanks; but in spite of that, they have been neglected. I do find that Government are anxious to take prompt action in everything that will help the cultivator. I take advantage of this renaissance on the part of the Government to place before them this serious question *viz.*, that the tanks are all in very miserable condition, that, even if they are deepened, they would prove useless unless proper measures are devised to prevent earth and debris from falling in and filling them. With these words, I support the resolution.

MR. K. R. ELENKATH (*Kalkulam I*)) : Sir, I wish to make a few observations on this resolution. The main difficulty is due to the want of powers for the P. W. D. officers to summarily deal with cases of encroachment, and for the Revenue officers to prohibit the registry of tanks, and also due to the present rules relating to the remission of taxes. It has been a very serious complaint that the channels and tanks that are the main sources of irrigation are sometimes destroyed and have even ceased to exist as a result of encroachment made by the adjoining owners. This has been observed by the Committee. They say :—

[Mr. K. R. Elenkath.

"The majority of these useful works have been continually neglected with the result that many of them are silted up and encroached in varying degrees ranging from partial to absolute deterioration, so far as their usefulness as irrigation works is concerned".

It is a very serious question; and for no fault of the owners of the fields for whose benefit these tanks and channels exist, the owners of land just adjoining these sources of irrigation, owing to their indiscriminate action and selfish interest, their greed to earn properties by unfair means, make encroachments on these useful *poramboke* and put the interested ryots to great trouble. I have personal experience in the matter with regard to some lands in South Travancore, where even when it was proved that owing to rains the banks of certain fields had to yield, Government could not take any action on this ground. When I placed this matter, on behalf of some of the ryots, before the Chief Engineer, what he told me was that these breaches occurred in the previous year and that they were well guarded and well rebuilt with hard stones so that they would not yield unless interfered with by the adjoining cultivators for interests of their own; he said that, unless power was vested with the P. W. Department to deal with such cases, there would be no protection. Some ryots without caring for the interests of their own brethren, are even prepared to demolish the banks of channels for their own ends. When there is a huge flood, the owner very near the current breaks open the bank and diverts the current through another man's field, for fear that in the long run, it might lead to a breach which might result in his own field being filled with water. This even leads to some riots among the ryots; because it is a life and death question for the ordinary cultivator who, when he is deliberately ruined by the neighbour, is prepared even to risk his life and resort to violence. It is not a small matter.

In regard to the remission rules, the Irrigation Committee made strong recommendations, and in this Assembly that motion about their recommendations was passed almost unanimously by the non-official members. It was said by the official benches that Government have the power and they do generally relieve agriculturists by remission of tax whenever it is found that they really deserve it. But, Sir, it is left to the grace of the Government. My point is that the remission rules should be so framed that the agriculturists could claim remission as a right.

(At this stage the President left the Hall and the Deputy President took the Chair.)

It is a very important matter. The departmental authorities can proceed under the rules and get it sanctioned. In some parts of South Travancore there is no provi ion for the remission of tax even where the ryots were not able to cultivate the lands on account of reasons beyond their control. In some cases Government themselves were aware that the lands had not been cultivated, because they themselves have given notice that water was not available. Yet remission was not given. My request is that the rules should be so amended that the ryots will get remission when they do not cultivate the lands. With these words, I support the resolution.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Sir, I support the resolution. I wish to make one or two observations with reference to Ambalapuzha and Shertala. In these two taluks *punja* cultivation and *nilamkrishi* are in vogue. Tanks are not necessary there. It is drainage of water that is needed. The Minor Irrigation Committee has classified the systems of paddy cultivation into four groups and the *nilamkrishi* comes under the third group. In paragraph 80 the Committee say :—

> "Canals form the backbone of cultivation and in addition to their usual functions of drainage and irrigation are also the means by which the silt, which is the principal and, in most cases, the only manure the fields get is conveyed to the land when the rivers are in flood. The canals again form the only means of communication in this area".

The Committee rightly emphasise the proper preservation of the drainage system by conserving the *poramboke* canals. Recently, after the beginning of the fourth stage of the Cochin Harbour Scheme, the matter has assumed great importance. Because of the Cochin Harbour works there is not enough scope for rain water to flow out. Hence seasonal floods are doing greater havoc to paddy cultivation in Shertala, Ambalapuzha and other places. Government say that an Irrigation Department has been separately constituted to which generous allotments have been made. In actual practice we find a lot of unnecessary delay even in taking up the preliminary investigation of a scheme. A year ago I made representations to Government about the preservation of two or three canals in the Shertala taluk. Even during this session I had put an interpellation, to which the usual answer was given, namely, that the matter is at the stage of preliminary investigation. Sir, preservation of the irrigational system is one of the few occasions where Government can come into intimate touch with the agricultural population who form the backbone of the State. The poor ryots cannot appreciate the high policies of State. What they want are irrigational facilities. In these northern taluks the successful cultivation of paddy mainly depends upon seasonal rains. If the *poramboke* canals and drainage system are not kept up properly the agriculturists will not be able to do their cultivation. If water is not allowed to flow out, the seedlings will die out and the seasonal crop will be a failure. In these circumstances I would earnestly request the Government to give greater irrigational facilities.

MR. G. NILAKANTAN (*Nominated*). Sir, I wish to refer to one aspect of the question. Once I happened to be in a committee of Supervisors. One of them was an Irrigation Supervisor and the other a Roads Supervisor. The Roads Supervisor said that the work of the Irrigation Supervisor was useless He said that the Irrigation Supervisor does not know how to do his work. The other man protested. The result was that the Irrigation Supervisor broke down. I refer to this fact to show that an examination of the works of the department is necessary. There appears to be something wrong in the irrigation works. I was interested only as a contractor doing irrigation works.

[Mr. G. Nilakantan]

One other incident also I wish to refer to. When the late Mr. V. P. Madhava Rao went to Shencotta on tour, the ryots told him that on account of want of repairs to tanks, irrigation suffered very much. He turned round and asked them why then they payed their tax.

DEPUTY PRESIDENT: The Dewan might not have said that seriously.

MR. A. THANU PILLAI (*Trivandrum—Urban*): May I ask whether the member has direct knowledge of that incident?

MR. G. NILAKANTAN (*Nominated*): Yes, I have direct knowledge.

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The resolution recommends that all the recommendations of the Minor Irrigation Committee be accepted and immediate steps be taken to carry them out. In the course of the debate, several other points have been raised, particularly in regard to the delay that has occurred in giving effect to the recommendations of the committee. Mr. Thanu Pillai said that it is now six years since the report was submitted. I think it is necessary, before explaining the action taken on the recommendations of the committee to justify the delay that has occurred in this matter. Mr. Kunjukrishna Pillai stated yesterday that an explanation was due from Government for the inordinate delay.

Sir, if Government have been expediting the disposal of the recommendations of any committee, it was of this. The committee submitted its report in October 1931, and, in December, Government issued orders on the report, appreciating the work of the committee. The report is a valuable document and is accompanied by a complete list of irrigation channels and tanks throughout the State covering about 150 pages of foolscap matter. Incidentally it was observed by a member yesterday that very heavy expenditure was incurred by Government on the committee. The expenditure, as may be seen from the report itself, did not exceed Rs. 10,000. That, however, is a digression.

Government obtained the proposals of the Chief Engineer for the creation of an Irrigation Officer in the latter half of 1933. It was considered that the creation of such an office was not only indispensable but should have precedence over all other items. Therefore a supplementary demand for Rs. 15,000 was moved in this House and orders were issued for appointing the necessary staff. In February 1934 orders were issued for the creation of a separate fund for the restoration of tanks and other irrigational facilities. As a result of representations made here and elsewhere Government wanted to amend the Irrigation Regulation. That was also recommended by the Minor Irrigation Committee. In October 1933, a conference was held by the Dewan and the question was discussed. It was decided that it would be expedient to revise the Bill in the light of the experience that would be gained by the separate Irrigation officers after one or two years of their appoint-

ment. That is partly responsible for the delay to bring forward an amending Bill.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Do the Government consider that the Irrigation Officers are really gaining experince? Are they doing substantial work?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Government wanted to amend the Regulation after the officers had an opportunity of gaining experience.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Was there any requisitions from the officers of the department that the amendment should be delayed?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Government considered that the officers will be able to comment upon the Bill only after gaining some experience.

MR. A. S. DAMODARAN ASAN (*Mavelikara*). What were the points on which Government wanted the experience of these officers?

MR. K MADHAVA KURUP (*Ag. Secretary to Government*): These officers were working the Irrigation Regulation and the defects might be known to them.

The reports of the Division Officer and the Chief Engineer were received in July 1936 and Government were able to publish the Bill only in November last.

It has not been possible unfortunately to introduce the Bill in this House, but I am sure it will be introduced in the new Assembly.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Was the Bill, that has been published, framed on the basis of the recommendations of the officers of the Irrigation Division based on their experience?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Government had the benefit of criticism of these officers on the draft Bill.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): What I want to know is, whether these are the only amendments suggested by the officers after their experience of a few years in the Irrigation Department.

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): I did not say that the Bill was revised as a result of the opinions expressed by the Irrigation Officers.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether the published Bill is before the House now?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): It was published under Rule 31 of the Travancore Legislative Rules.

MR. A. THANU PILLAI (*Trivandrum- Rural*): May I know whether the officers of the Irrigation Division have anything to say as to how or why they allowed a major portion of the small amount allotted in the Budget to lapse at the end of the last two years, 1110 and 1111? Have Government anything to say in regard to that?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): I will come to that.

The main recommendations of the Irrigation Committee are thirteen in number. The number "thirteen" is rather inauspicious. (*Laughter.*)

The first is—

"Agriculturists and planters should be warned against the evils resulting from the cultivation of grass and other forest lands adjoining sources of irrigation and instructed in the most scientific ways of carrying on such cultivation when it is considered inevitable."

The Government have issued orders to the Land Revenue and Income Tax Commissioner and the Director of Agriculture and Fisheries to take the necessary steps in the matter.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know whether the Government have received any report from these officers as to the steps they have taken?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The Land Revenue Commissioner would surely have communicated this matter to his subordinate officers.

The second is—

"Irrigation officers should be given summary powers to deal with encroachments on irrigation works in their charge".

MR. N. E. VARUGHESE (*Tiruvalla I*) There is no answer for Mr. Thanu Pillai's question from the Government member.

DEPUTY PRESIDENT: I heard the answer being given. But if the member wants to put a question, he may do it.

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): In regard to the grant of summary powers for Irrigation Officers provision has been made in Clause 11 (b) of the Irrigation Regulation Amendment Bill.

The third is

"The necessary investigation should be conducted in order to explore all possible means of extending paddy cultivation in the State."

An investigation for conducting lift irrigation in the taluks of Kunnatnad and Parur by electric current from the Pallivasal Hydro-Electric Scheme is being arranged for by the Division Officer, Irrigation, and the Electrical Engineer to Government.

The fourth is—

"Remission Rules should be made sufficiently elastic so as to be applicable under the varying conditions throughout the State."

This morning there was a discussion upon the applicability of the remission rules and to make it more elastic. The Government have sanctioned the extension of seasonal remissions of land tax in *Kayal* areas where there have been breaching of bunds.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is there any question of irrigation in *Kayal* area?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The recommendation was that the rule should be made more elastic. In regard to the general question of remission, I believe the House has already been told that, in fixing assessments, parallels from elsewhere would not hold good.

The fifth is—

"Government should waive their right to the recovery of a contribution or of a cess under the Regulation until further notice."

This has not been taken up by Government. Section 16 of the Irrigation Regulation is deemed sufficient for the present; Government have now got power to remit in whole or in part the cost of the work.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Have they exercised that power?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): In several cases where it has been proved that breaches have been caused by flood damages or any other natural causes, Government have done so.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Is it not a general "waiver" that the committee has recommended?

MR. K.MADHAVA KURUP (*Ag. Secretary to Government*): I believe Mr. Asan is coming forward with a resolution on this particular subject.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): If the member satisfies me now with an assurance, I am not particular of moving that resolution at all

DEPUTY PRESIDENT: Considering limitations of time, the honourable member will do well to state the particular action taken by Government. If a series of recommendations are tackled on there will be no time.

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): I was under the impression that I was doing so. There are 13 resolutions and I am dealing with them one after another.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, my point is this. If these can be dealt with in this resolution, why should I take the time of the House by moving another resolution? In my speech I laid much emphasis on this aspect.

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): As I said, Government consider that Section 16 of the Irrigation Regulation is adequate for the purpose. Recently the Government have amended the rules so as to make the *pro rata* recoveries in 15 years time instead of 10. According to the estimates prepared by the Minor Irrigation Committee, the total cost of irrigation works has been estimated at about 35 lakhs. I do not know whether, on the strength of this committee report, Government would be justified in spending all that all at once and in foregoing their claim to Rs. 17½ lakhs. After all, the lands that require irrigation works are particular wet lands in specified areas in the State. It requires further examination to say that such a concession in favour of specified wet lands is justifiable.

[Mr. K. Madhava Kurup.]

The sixth is—

"There should be a separate Irrigation Fund which should be cumulative as regards excess of early allotment over expenditure and a sum of not less than Rs. 5 lakhs per annum allotted until the necessary works are completed."

A separate Irrigation Fund has been created, and any balance left unexpended at the end of each year is added on to the fund and there will be no budget lapses. Since the formation of the fund in 1110, one lakh of rupees is being added on every year. It has not been possible for financial reasons, to allot five lakhs of rupees every year.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): May I know the total amount of the fund at the end of 1111?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Rs. 6 lakhs.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is this one lakh added on to irrigation fund taken from the unexpended allotment in the previous year, or from the general revenues?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Rs. 2 lakhs is taken from the general revenues. Last year Rs. 77,000 was added on to the fund.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether the unexpended portion of the allotment for irrigation works is being added on to the general revenues?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): No, only to the Irrigation fund.

The seventh is—

"Government should provisionally be in charge of the maintenance of all irrigation works and a uniform cess of 4 chs. per acre be imposed after preservation of the relative irrigation works, except in certain specified areas."

Provision has been made in Clause 5 of the Irrigation Regulation Amendment Bill to give effect to this.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know when the amendment Bill was published?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): November 1936.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know the reason why it was not brought up earlier?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Unfortunately, the member was not here when I explained why some time had to be taken to publish the Amendment Bill.

The next recommendation deals with the formation of a separate P. W. D. Irrigation Divivision. That has been done.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Has the formation of a separate division given the desired result?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): From the answers given this morning about the number of works completed during the last two years, the member should have been able to form a favourable impression.

About the precise cause of the periodic floods in Central and North Travancore being investigated and remedial proposals drawn up as stated in the ninth recommendation, the construction of a spill-way at Thottapally which will greatly remedy the periodic floods in Central Travancore is under consideration and will be taken up when funds become available.

In regard to all "petty" irrigation works being brought under the head "minor" and the necessary amendments being made in the Irrigation Regulation, provision has been made in the Irrigation Regulation Amendment Bill. Clauses 2,3,4,6 and 11 (*a*) of the Bill are intended for this purpose. This disposes of the tenth recommendation.

The eleventh recommendation is—

> "The necessary rules under the appropriate provisions of the Regulation as proposed should be brought into force to avoid the delay involved in following the existing rules and regulations regarding the construction and restoration of minor irrigation works."

Steps are in progress to devolve larger administrative powers on the Irrigation Executive Engineer. It is not considered necessary to make these powers statutory all at once. In regard to the main point raised in the debate about the cumbrous procedure, there is no provision in the Amendment Bill.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether any step has been taken to avoid this cumbrous procedure now prescribed under the Regulation which causes delay?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): The delay is inevitable, because first of all the consent of the owners of lands has to be obtained, as the question of contribution comes up.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is it not owing to the present provisions of the Regulation that the delay is unavoidable?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): As I said, the new Bill will come up before the Assembly at a future date and then it will be time enough to consider all the aspects of the question in detail. If these provisions are considered unsatisfactory it is open to the members to revise them both in the Select Committee and in this House by moving suitable amendments.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Does the member guarantee that these amendments will not be ruled out on the ground that they will affect the revenues of the State?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): I cannot give any such guarantee.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether when Government drafted the new Bill, the question of avoiding the cumbrous procedure was adverted to, and whether they found it impossible to find out a less cumbersome procedure?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : Government themselves have more than once admitted that the procedure is cumbrous. It is hoped that the provisions in the Bill will minimise delay.

Then the twelth recommendation is as follows :—

> "New provision based on the Madras Irrigation Act should be added to the Irrigation Regulation so as to give Irrigation Officers the power to enter private lands for depositing or obtaining materials for irrigation works."

For that, provision has been made in Clause 9 of the Bill.

Then in regard to the last recommendation namely the total prohibition of registry of irrigation sources, it has been the practice not to register them unless the Irrigation Division Officer finds such registry not at all objectionable.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : May I know in how many years, approximately, Government hope to get all work done; works costing Rs. 30 to 35 lakhs.

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : Government have not laid out any definite programme of work spread over a specified term.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : The Committee has said that the work would cost Rs. 30 to 35 lakhs. May I know how many years approximately would be required to complete the works costing so much amount ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : That will depend upon the funds available from year to year.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : I wish to know in how many years Government expect to get these works done. Because it is irrigation, we cannot wait indefinitely.

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : Government have not laid out any programme.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : What is the experience of the Irrigation Division Officers. If funds are available, in how many years can they get these works done ? Can they do it in two or three years, or will they take a century ? Are the Government earnest in the matter ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*) : It will not be a century. The expenditure incurred year before last was Rs. 2 lakhs and odd and last year Rs. 3 lakhs and odd. It may be found possible to spend more money in the coming years.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : May I know whether Government are satisfied that the Irrigation Division is doing the maximum amount of work possible, or do they expect them to do much more work after the rules are revised ? I wish to know whether Government are satisfied that the Irrigation Officers are doing the maximum amount of work that can be expected of them with the funds available ?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): As a matter of fact, during the last one or two years they were mostly engaged in investigation work under Section 10. When the works are actually taken up there will be greater expedition.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I wish to know whether Government have thought over the matter and come to any conclusion as to the approximate period within which these works will be done?

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): Not in regard to the period.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): The Government Member has been saying that this report has received better attention than the report of any other committee appointed by the Government. Then I pity all the other reports. The report was submitted in 1931, and after six years when we come and move a resolution that that may be acted upon, the Government Member says that no other report has received such favourable treatment at the hands of Government as this report.

I will take recommendation No. 4, *i. e.*, that the "Remission rules should be made sufficiently elastic so as to be applicable under the varying conditions throughout the State." It will be borne in mind that this is the report of a committee in which the Chief Engineer, the Land Revenue Commissioner, the Financial Secretary, the Additional Head Sirkar Vakil and the Director of Agriculture were members. None of these officers has appended a dissenting minute to this recommendation in the report. After receipt of this report, Government forwarded it for the report of the Land Revenue Commissioner and he says that no change is needed in the rules except with regard to the *kayal* lands. Is this justifiable? To ask the Land Revenue Commissioner to sit in revision over the report of a committee in which himself and four other eminent officers took part, is a procedure which I cannot understand. And what is it that the Government say? They say that the Revenue Commissioner's opinion is acceptable and they decide accordingly? It is this Commissioner's predecessor together with other officers that sat in this Committee. In answer to a question of mine this morning the Government Member said that individual cases will be decided on their own merits. When an application for remission of tax on sufficient grounds is made to the Government, there is no obligation cast upon either the Government or this officer to conduct an enquiry in the matter and come to a correct decision. If there are rules, an obligation will be cast upon the departmental officers to enquire into the matter and submit their reports. But now if an application is presented, that can be disposed of in whatever manner they like. I would draw the attention of this House only to one illustration. About eight years ago, I brought to the attention of the Government the complete failure of crops in certain areas. The Land Revenue Commissioner accompanied me to the

[Mr. A. S. Damodaran Asan]

place and was convinced that there was real failure of crops. He reported to the Government that remission was necessary. The Government then asked for a report from the Division Peishkar, Quilon; and he said that these were usual complaints and therefore no remission need be granted. Government passed orders according to the recommendation of the Peishkar who had not seen the land, as against the recommendation of the Land Revenue Commissioner who went to the spot and satisfied himself about the failure of the crops. Why I draw the attention of this House to this particular incident is to show that when there are remission rules they have to be administered properly and if there are no such rules no relief is usually obtained. So I am of opinion that the single ground that the Government have decided not to make the remission rules elastic is sufficiently strong for me to press this motion to a division to show that the representatives of the people cannot countenance such an attitude on the part of the Government.

Another point which I whish to refer to is about Section 16. What is the answer to that? The Government Member has been stating that Section 16 which has been in existence from 1072 is an ample safeguard. Safeguard for whom? Safeguard for the Government, and not for the people who want protection and they are not prepared to effect any change in regard to that. So, my view is that the present procedure is very cumbersome and that it is not possible to carry out the works without delay. In answer to another question of mine this morning the Government Member answered thus:—

"Q: Whether it has been realised by the Irrigation Department or the Government that the delay is due to the preliminary steps that are now taken under the Irrigation Regulation for getting the consent of the land-oweners for paying cess or contribution?

A: Yes; the preliminary steps referred to cause delay in getting estimates sanctioned."

There is that answer and even then he is now saying that there is no necessity to change that procedure.

MR. K. MADHAVA KURUP (*Ag. Secretary to Government*): May I correct the member? Does the answer say that preliminary steps are not necessary?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): That does not say so. Even if the Government Member is going to say like that I am not going to accept it. The Regulation says otherwise. That is the most important matter. I want the Government to see that they do not adopt this heartless attitude in the matter of spending even a few hundred rupees on irrigation works which will materially advance the prosperity of the country. There is absolutely no justification for saying that unless the Government get 6 per cent. interest—an interest much higher than payable by any Government or Debenture bonds—or the people return the amount within a period of 15 years, the work shall not be carried on, and that for that purpose if the parties do not agree in

writing, the whole scheme may be dropped. This should not find a place in any Irrigation Scheme. These are two important points on which steps should have been taken. On the other hand they tell us that they appointed a large number of officers even three years back. Probably that would help the persons who were appointed. It does not help the poor ryots. So unless the Government undertake to effect the necessry changes in the Irrigation Regulation and also agree to make the remission rules sufficently elastic so as to extend the benefits of the same throughout the State, I would be compelled to press this resolution to a division.

DEPUTY PRESIDENT: So, unless there is an undertaking to do all these three things, you want to press it?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Yes.

The motion was put to vote and carried.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I demand a poll.

A poll was taken and the House divided as follows:

AYES—36.

1 Mr. N. Abdur Rahiman Sahib
2 ,, K. C. Abraham
3 ,, T. K. Alexander
4 ,, A. Achyuthan
5 ,, V. T. Chacko
6 ,, A. S. Damodaran Asan
7 ,, A. Easwara Pillai (Kalkulam II)
8 ,, K. R. Elenkath
9 ,, Antony George
10 Miss Hepzibah Gnanasikamony
11 Mr. S. J. Nair
12 ,, J. M. Joseph
13 ,, T. C. Joseph
14 ,, N. Kesava Panickar
15 ,, K. M. Krishnan
16 ,, K. P. Krishna Menon
17 ,, N. K. Krishna Pillai
18 ,, Puthupalli S. Krishna Pillai
19 Mr. T. Krishna Pillai
20 ,, K. Kunjukrishna Pillai
21 ,, K. M. Kuriakose
22 ,, K. Madhavan
23 ,, M. K. Madhavan Pillai
24 ,, P. C. Narayanan Bhattatiripad
25 ,, Pacode A. Narayana Pillai
26 Srimati T. Narayani Amma
27 Mr. S. Nilakanta Pillai
28 ,, K. Padmanabhan
29 Rao Sahib S. Paramesvara Aiyar
30 Mr. Changanachery K. Paramesvaran Pillai
31 ,, V. Ramakrishna Panickar
32 ,, R. Sivaraman Nair
33 ,, A. Thanu Pillai
34 ,, P. K. Thomas
35 ,, N. E. Varughese
36 ,, T. P. Velayudhan Pillai

NOES—12.

1 Mr. C. V. Chandrasekharan
2 ,, K. George
3 ,, T. T. Kesavan Sastri
4 Rao Bahadur Dr. N. Kunjan Pillai
5 Mr. C. Kumara Das
6 ,, C. O. Madhavan
7 ,, K. Madhava Kurup
8 Mr. K. R. Narayana Aiyar
9 ,, G. Nilakantan
10 ,, Kayalam Paramesvaran Pillai
11 ,, R. Pitchu Aiyangar
12 Rao Bahadur A. Rengasvami Aiyar

NEUTRALS—Nil.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : There are two members present in the House who do not come under any of those categories.

DEPUTY PRESIDENT : The counting is done by me assisted by the Secretary and the staff. It is quite open to any member to vote as he likes. I do not find anything has happened as the honourable member has said. Therefore, I do not propose to throw my protection over those who did not care to be included in any of the three categories.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Sir, on a point of order. Is it not the duty of every member to stand up under one or other of the three categories ?

DEPUTY PRESIDENT : Unless specific facts are placed before me, I cannot proceed with the matter. Is there any member who did not stand up at all ?

MR. A. THANU PILLAI (*Trivandrum—Rural*) : Is it not the rule that a member who is neither for nor against is neutral ?

DEPUTY PRESIDENT : I do not think the matter is so important as to necessitate a ruling. If instead of giving vague statements Mr. Narayana Pillai would name the persons who did not get up at all under any of the three classes,..................

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : I submit, Sir, two honourable members, Messrs. Changanachery Paramesvaran Pillai and N. E. Varughese did not stand up under any of the classes.

MR. N. E. VARUGHESE (*Tiruvalla I*) : The member is uttering false hood, Sir; I stood up in favour of the resolution.

DEPUTY PRESIDENT : As a matter of policy, honourable members should give their vote for or against, or should declare that they are neutral and stand up when requested to do so. It is a matter of combined duty and courtesy. But if any member does not do it, it is not such a serious matter for the Chair to take notice of.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur* cum *Pattanapuram*) : My name has also been mentioned. Sir, I request you to go through the list and see whether I have not voted for the resolution.

MR. N. E. VARUGHESE (*Tiruvalla I*) : Similarly for me also, Sir.

DEPUTY PRESIDENT : At the fag end of the session, I do not ordinarily like to make any remarks unless they are absolutely necessary. When the matter was referred to me, I said that getting up was a matter of combined duty and courtesy. Since then, here is the word spoken in open Assembly by Mr. Changanachery Paramesvaran Pillai that he did vote according to his light and that his name has appeared in the voting paper. That statement is absolutely reliable and must be scrupulously respected. That being the case we shall leave the matter there and I wish to say that honourable members should not raise such points unless they are sure of their facts.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur* cum *Pattanapuram*) : Sir, I would like the matter to be finally decided by referring to the voting list.

DEPUTY PRESIDENT: The matter has been decided that Mr. Changanachery Paramesvaran Pillai did vote, and that his vote was taken into consideration and the same remark applies to Mr. Varughese as well.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): In that case, I would request that, consistent with the dignity of the House the Chair should direct the honourable member to withdraw his statement that two honourable members did not take part in the voting.

DEPUTY PRESIDENT: From the manner in which I have made the observation from the Chair, I suppose the House will be satisfied of the decision of the matter. It did not occur to me that it was the result of a design by the honourable member; it might have been only a slip. Anyhow, the mistake has been rectified: I hope the House will be satisfied with that.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Whether it was designed or was only a slip, the statement is there. In either case, it is open to you Sir, to ask the member to withdraw.

DEPUTY PRESIDENT: Exercising my judgment, I think the matter may be left there, unless the House as a body wants serious action to be taken. I am quite sure the member who made that statement regrets for it. It is for the Chair to see that. But there are certain matters to be presumed.

APPOINTMENT OF TRADE AGENTS IN EUROPE.

MR. S. J. NAIR (*Nedumangad*): Sir, the resolution which I beg to move is as follows:—

"This Assembly recommends to Government that Trade Agents be appointed in European Countries".

Sir, this resolution is an important one considering the poverty of the people here, the absence of scope for immediate development of industries in the land, and the lack of knowledge of suitable markets in foreign countries to export our products. Travancore is mainly an agricultural country. The population of Travancore is increasing day by day. But the extent of lands suitable for cultivation remains as it was. The agriculturist is immersed in an ocean of debts. The average agricultural income per person is Rs. 40 per year. Out of this, Rs. 75 is to be paid for his debts. How to save the people and the State from this poverty stricken condition. That is the question that confronts this House and the people of the country. As a solution for this serious problem, the Government should find out means to increase the land available for cultivation. Firstly, we must look into the question whether more lands could be made available in Travancore for cultivation purposes.

DEPUTY PRESIDENT: The availability of land for cultivation in Travancore has very little to do with the appointment of Trade Agents,

MR. S. J. NAIR (*Nedumangad*): I will come to that presently Sir. If you look to the reserve forests in the State we find there are thousands and thousands of acres of wet lands that are useless for the preservation of forests but will be very useful to promote paddy cultivation.

DEPUTY PRESIDENT: The honourable member cannot hang that question on this peg.

MR. S. J. NAIR (*Nedumangad*): By disafforesting those lands... ..

DEPUTY PRESIDENT: I prohibit that sort of argument. Mr. Nair is at liberty to say anything which would lead to the discussion of the appointment of Trade Agents.

MR. S. J. NAIR (*Nedumangad*): Even in the reserve forests there are various products to be collected, and they are very very valuable for our use as well as for exporting. Those products can very well be collected out of our forest and with the help of the Trade Agents outside (*i. e.* in Europe) suitable markets can be found out. Again Sir.....

MR. A. THANU PILLAI (*Trivandrum—Rural*): What are those forest products which can be exported?

MR. S. J. NAIR (*Nedumangad*): One of them is "*Kalmatham*" (കൽമദം) (*Laughter*).

MR. G. NILAKANTAN (*Nominated*): For what is it used?

MR. S. J. NAIR (*Nedumangad*): Then, there is another product known as "Nuxvomica" and also other equally valuable products which can be collected from the reserves. If I am going to give a list of all these.........

DEPUTY PRESIDENT:- The honourable member will not be allowed to do that.

MR. S. J. NAIR (*Nedumangad*): Sir, the economic safety and security of the State and the people depends upon the industrialisation of the country.

MR. K. R. ELENKATH (*Kalkulam I*): May I know the quantities of such products which have been already collected and is waiting for sale in European countries?

MR. S. J. NAIR (*Nedumangad*): It is for that purpose that we have to appoint Trade Agents in the European countries, to find our markets for these products.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): What is the use of "*Kalmatham*".

MR. S. J. NAIR (*Nedumangad*): It is used as a tonic for rejuvenation. (*Laughter.*)

DEPUTY PRESIDENT: Order, order.

Now that the humour has had its play let me say that the properties of "*Kalmatham*" do not require any detailed statement in this House. For the purpose of the resolution contemplating the appointment of Trade Agents, the statement that "*Kalmatham*" is of some use is enough.

MR. S. J. NAIR (*Nedumangad*): Sir, it is a rare product. Except in Travancore this product is not to be found anywhere else. It has got great medicinal value.

The idea of our Government is definitely towards the industrialisation of the State. For that purpose the State has undertaken the Hydro Electric Scheme, the Cottage Industries Scheme, the Motor Transport Scheme, and the scheme for the development of factories. There is no use for this large scale industrialisation unless and until the products of our factories and cottages could find suitable markets outside. For that purpose I submit that it is essential that proper and efficient Trade Agents must be appointed in European countries. Sir, the development of industries as well as agriculture goes side by side; and so the appointment of Trade Agents in European countries may be conducive to the speedy sale of our industrial and agricultural products. If you look into the system prevailing in the European countries and in Japan we find that the Trade Agents of Japan, Russia, England, France, America and Germany are representing their respective countries in India. Their Trade Agents are holding their offices here. They have been deputed by their respective countries. They have studied the conditions of our market: and what all raw products they can obtain from here are being exported from here and their finished goods imported here.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether Mr. Nair would like to have the same sort of a Trade Agent as the one we now have in Bombay.

MR. S. J. NAIR (*Nedumangad*): Far from it. I do not at all wish to have one like that.

(The House rose for lunch at 1 P. M. and met again at 2 P. M.)

Sir, so far as the industrialisation of the State is concerned, there is great scope for improving our sugar factory, for starting one or two tapioca flour factories and for the mining of plumbago. I may say, in this connection, that for years together, in the Nedumangad Taluk, the mining of plumbago was resorted to by a German Firm. It was only just before the war that this was discontinued. Then there is the possibility of mining mica and iron. For this purpose also, Sir, there is good scope in the Kottarakara and the Nedumangad taluks. I am told by elderly persons that there was a time when iron was produced at Aryanad in the Nedumangad taluk. In regard to the possibility of improving the mica industry in the State, we have only to go and see the Palace at Padmanabhapuram. It will be found that instead of glass, mica is used in the window panel there.

DEPUTY PRESIDENT: The Chair is forced to tell the honourable member that he is making out a case for an Industrial Survey of the State.

MR. S. J. NAIR (*Nedumangad*): I am making out a case for the need for appointing Trade Agents in Europe. Sir, instead of glass that are generally used for window panel we see mica being used for the windows of the Padmanabhapuram Palace.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Is it the member's suggestion that the Palace windows may be sold in Europe? (*Laughter*).

DEPUTY PRESIDENT: Even the palaces which are not now occupied are being maintained as very sacred institutions, and as ancient monuments. Hence, I am unable to see very much of relevancy in the question of the honourable member.

MR. S. J. NAIR (*Nedumangad*): I was just pointing out these facts in order to satisfy honourable members that there is possibility and great scope for work in outside countries, if we appoint Trade Agents. Then there is the possibility of starting gold mines.

DEPUTY PRESIDENT: I shall be forced to ask the honourable member to sit down.

MR. S. J. NAIR (*Nedumangad*): What I submit is this. There is no use in simply developing our industries. We must find out methods to find out suitable markets in foreign countries, along with the industrialisation. The duty of the State is to find out fresh, suitable and profitable markets in European countries to export our goods.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Does the member know whether, at any time in the past, the Government had any idea of appointing a Trade Agent in Europe?

MR. S. J. NAIR (*Nedumangad*): I shall explain presently how the Government have accepted the principle contained in my resolution.

When I referred to the products of the State, I referred to one rare medicine called "*Kalmatham*". There are other articles to be collected from the forests and exported outside, *Mattippal* for instance. We must find out suitable markets for these valuable products

MR. K. PADMANABHAN (*Chirayinkil I*): What is the qualification which the member would prescribe for the proposed Trade Agent?

MR. S. J. NAIR (*Nedumangad*): Energy, activity, general knowledge, patriotism, wide knowledge of our country and its products, and pluck and push. (*Laughter.*)

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether such persons are available in Travancore?

MR. S. J. NAIR (*Nedumangad*): There are such persons, including the honourable member himself.

DEPUTY PRESIDENT: I do not think such compliments may be paid.

MR. S. J. NAIR (*Nedumangad*): In 1108 or 1109, as a Member of the old Popular Assembly, I brought this question to the attention of Government, and I am glad to submit for the information of this House that it was then accepted by the Government; and in that year's budget an allotment of Rs. 30,000 was made for the appointment of a Trade Agent in England. So the principle of my resolution has already been accepted by the Government. There is no use in appointing commercial ambassadors in England, Germany, France, Italy and in half-a dozen other countries. What we want are Trade Agents for canvassing and advertising our products, finding out suitable markets for promoting and developing trade with foreign countries and enriching our State and thus to help the solution of poverty and unemployment problems that confront the State today. With these words I request the House to accept the resolution.

MR. K. PADMANABHAN (*Chirayinkil I*) : I second it.

MR C. KUMARA DAS (*Director of Industries*): Sir, the appointment of Trade Agents has been engaging the attention of Government for some time as a result of the representation made in this Assembly and in the old Legislative Council. Government are very keenly alive to the need for the appointment of Trade Agents wherever possible. As the honourable mover of the resolution has stated, in the year 1108 an amount of Rs. 30,000 was provided for the appointment of a Trade Agent in London. Investigations were made to see how far the appointment of a Trade Agent would be useful and would be in the interests of the State. It was found that the Indian market, in many respects, was a wide field which had not been tapped. Therefore, it was decided to begin with British India; and accordingly a Trade Agent was appointed, with his headquarters at Bombay.

It is very necessary, of course, that, for the purpose of advertisement and also for doing propaganda work outside the State in order to make people outside aware of the possibilities and resources of the State, Trade Agents should be appointed. Government are well aware of that. Why they have not done so is on account of the apprehension that the expenditure that may be incurred may not be proportionate to the profits that may be derived. Still, the question has not been given up. Government would certainly encourage any idea of private agencies like Chambers of Commerce taking up this matter. If they will appoint their own men who are interested in the trade of this country, and ask Government for some help, Government would be glad to consider the question

MR. S. J. NAIR (*Nedumangad*): May I know whether Trade Agents' work is being delegated to private agencies, so far as European countries or Baroda or Mysore are concerned?

MR. C. KUMARA DAS (*Director of Industries*): Different countries follow different methods. I know a very respectable firm in Bombay who act as agents for Germany. Therefore, it is not an entirely novel idea to entrust this kind of work to private organisations. One advantage will be that it will be possible for us, with the co-operation of commercial organizations, to bring in, probably, more profits to the State than by the Government themselves doing it.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Trade Agents of Mysore and Baroda are Government servants or representatives of private agencies?

MR. C. KUMARA DAS (*Director of Industries*) : As far as I know the Trade Agent of Mysore is a Government servant. I do not know about Baroda.

MR. K. PADMANABHAN (*Chirayinkil I*) : May I know the terms on which Germany has appointed their agent in Bombay?

MR. C. KUMARA DAS (*Director of Industries*) : I have no information. The agent when he came here told me that he was the agent for Germany.

MR. S. J. NAIR (*Nedumangad*): May I know whether he was a canvassing agent?

MR. C. KUMARA DAS (*Director of Industries*): A trade agent has to canvass orders. His business is not only to find out markets for his country's products but he has also to find out the best market for purchasing stores for his country's Government. With a view to assist the Government in the purchase of their requirements they have recently appointed a Stores Purchase Committtee which has already begun to function. It could therefore be seen that Government are quite alive to the necessity for advertising their goods and resources and purchasing their stores in the manner most favourable to the State's interests, only no Trade Agent as such has so far been appointed. The resolution says that Trade Agents should be appointed in European countries. I am not quite sure whether the results that may accrue will be commensurate with the expenditure incurred. The question is always in the mind of the Government and whenever there is need, Trade Agents will be appointed.

MR. S. J. NAIR (*Nedumangad*): Sir, on behalf of Government the honourable member has just now admitted that the idea of the appointment of Trade Agents in Europe has been engaging the attention of Government during the last few years and that in the matter of purchasing stores also Trade Agents would be of much use. In the light of the statements he has made, hoping that Government would find their way to appoint Trade Agents in European countries as early as possible, I withdraw the resolution.

The resolution was by leave withdrawn.

REVENUE AND EXPENDITURE IN TALUKS.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): Sir, I beg to move the following resolution:—

"This Assembly recommends to the Government that fifty per cent. of the revenue of each taluk be spent in that taluk for its development."

The object of my resolution is to bring to the notice of Government that now local needs are not being attended to.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I rise to a point of order.

Can a resolution be moved in the form of a token motion to bring to the notice of Government the general question of attending to local needs? The resolution has to be on a specific matter, and the member has to be within the confines of the resolution.

DEPUTY PRESIDENT: Mr. Narayana Pillai probably wants to fill it with flesh and blood by bringing in certain instances.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): Yes, Sir, some taluks of the State are developing considerably at the expense of other taluks. While people in certain taluks do not even get the bare necessities of life, people in certain other taluks enjoy several luxuries. My opinion is that all taluks must be developed

simultaneously. Otherwise, it will not reflect credit to the Government. The old Sri Mulam Popular Assembly members were allowed to make representations about local needs. But here there is no scope for that. If this resolution is accepted 50 per cent. of the revenuef each taluk will be set apart for the development of that taluk. The necessities of that taluk can be supplied by that money, and the people will not have any reason to complain.

According to the present system of accounting, it is not possible to know the amount of revenue derived from each taluk. I asked an interpellation, and that was the answer given to me. It is therefore not possible even to know what amount is being derived from each taluk, nor whether all the revenue is being spent on that taluk.

MR. A. THANU PILLAI (*Trivandrum—Rural*): What are the items of revenue that the member contemplates?

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): I include all items of revenue from all sources, Excise Revenue, Customs Revenue and Land Revenue.

MR. A THANU PILLAI (*Trivandrum—Rural*): What about the Customs Revenue collected at Alleppey?

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): I have no objection to 50 per cent of the Customs Revenue from Alleppey being spent on that taluk itself.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the member considers that the Customs Revenue collected at the Alleppey Port is the Revenue of the Ambalapuzha taluk?

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): I do not wish to answer that. When I forwarded the resolution my idea was to include only land revenue.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I ask whether the member suggests that a pro-rata share of each taluk in Customs Revenue also should be spent in that taluk?

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): I have explained that; what is contributed by the people of each taluk should be spent for them, at least 50 per cent of it.

I do not wish to give a detailed catalogue of the needs of each taluk. My only point is that there must be some consideration for the people of each taluks. I have very often stated here that even the necessities of some taluks are neglected. If this resolution is accepted all the taluks will be developed simultaneously. That is what we want. I do not say that no taluks should be developed at a greater speed than the rest; for instance, the capital may be developed more than other places.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether the honourable member has made any attempt to find out the revenue derived from the various taluks and the proportion of such revenue now spent on the various taluks?

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): The land revenue can be ascertained. I put a specific question about this; but the Financial Secretary told me in answer to that interpellation

[Mr. K. A. Narayana Pillai.]

that separate accounts for the various taluks were not being maintained. This resolution does not seek to benefit my taluk alone. I therefore hope that it will carry weight with all the members of the House.

MR. S. J. NAIR (*Nedumangad*): Sir, I support the resolution. In doing so I wish to submit that, at present, the income from each of the various taluks is not being utilised for its development. On the other hand, the tax payers in most of the taluks are being deprived of the benefit of the contribution they make to Government by way of taxes. This is a very hard case and the complaint is a just one. So far as the Nedumangad taluk is concerned, we know that we are contributing a good share. In return we get very little benefit. Of course, it may be answered that we are given the benefit of police, magistrate and civil administration and so forth. That is true.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Does the taluk of Kottarakara get much more than Nedumangad ?

MR. S. J. NAIR (*Nedumangad*): I do not know,

MR. A. THANU PILLAI (*Trivandrum—Rural*): Does Pattanapuram get much more?

MR. S. J. NAIR (*Nedumangad*): I do not know.

So far as my personal knowledge goes, the Nedumangad taluk is being deprived of the benefit that it can expect for the amount of taxes it contributes.

MR. M. SIVATANU PILLAI (*Tovala*): Is there any specific reason for such neglect of the Nedumangad taluk?

MR. S. J. NAIR (*Nedumangad*): There was a specific reason. The Nedumangad taluk had no opportunity to send its own representative to the Legislative Council since it was clubbed together with another taluk.

DEPUTY PRESIDENT: All that does not arise.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether conditions have improved after Nedumangad has been able to send its own representative ?

MR. S. J. NAIR (*Nedumangad*): The representative of the Nedumangad taluk is now trying his level best to improve the condition; but he cannot say that he has succeeded fully.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): What is the amount of land revenue derived from Nedumangad in 1111 ?

MR. S. J. NAIR (*Nedumangad*): I claim notice. (*Laughter.*)

MR. A. THANU PILLAI (*Trivandrum—Rural*): Will the taluk continue to be represented by the same member hereafter also ?

DEPUTY PRESIDENT: Order, order. We have been doing business properly until this moment; and I am sure we will continue like that. I consider this question not quite necessary for the discussion.

MR. S. J. NAIR (*Nedumangad*): I hope so; and the people wish for it.

My suggestion is that at least fifty per cent of land revenue derived from each taluk should be set apart for the development of the taluk

such as the improvement of roads, the improvement of irrigation tanks, the promotion of education and sanitation etc.

MR. G. NILAKANTAN (*Nominated*) : May I know whether the member is in a position to state that fifty per cent is not being spent in each taluk at present ?

MR. S. J. NAIR (*Nedumangad*) : Not spent.

What I say is that fifty per cent of the revenue, excluding the expenditure for collection, should be set apart for expenditure in that taluk. The remaining portion may be utilised for the development of Hydro-electric Scheme, etc. With these words, I support the resolution.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) : I wish to add a word in support of the resolution. The principle underlying the resolution may, at first sight, seem to be a very narrow one, and such demands from members may, I fear, be condemned as being parochial. But we cannot help moving such resolutions. The resolution is moved by the member representing my neighbouring constituency and I cannot but support it. It has been often told that the rural parts of the State are being completely neglected by Government when they prepare the Budget. The needs of the rural areas are rather simple and necessary but most vital to the nation. Nevertheless Government take only a step-motherly attitude at present and almost seem to forget them. Hence it is that the necessity for moving such resolutions is forced upon us.

The resolution, as it is worded, may evoke several objections from the Government side, and even from members on this side as well. We are aware of all that; still we cannot help it. I will illustrate the point by one single instance. It is the duty of the State to attend to the primary necessities of the life of the ordinary citizen such as facility for free primary education, Anchal service etc. Now suppose from an out of the way place, the people come and apply for the institution of an Anchal Office in their village which is one of the primary needs of the human society at present. The rules laid down in the Anchal Regulation say that unless and until the office there is self-supporting or somebody is coming forward with a deposit, to guarantee the income, that need will not be attended to. Is it possible for any man in Travancore to be completely in out of communication with the rest of the world? Yet how many villages are there where the Anchal peon is a rare commodity? That is the state of affairs. My contention is that when such demands are brought forward, the Government should see that these needs are attended to immediately, viewing it as a State problem and not as a local problem which ought to be self-sufficient. Government have to be alive to this matter. The resolution, as I am sure, will not be carried. But, as has been rightly stated by Mr. Kunjukrishna Pillai, this is more or less in the nature of a token motion. I do not think Mr. Narayana Pillai himself will be serious enough to press the resolution.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*) : I am very serious, Sir, in pressing the resolution.

DEPUTY PRESIDENT: Let me ask Mr. Kuriakose whether he is supporting the resolution or not.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I am supporting the resolution although I am sure of its adverse fate.

MR. S. J. NAIR (*Nedumangad*): May I know whether the honourable friend is supporting the resolution in earnest (*Laughter*), and seriously?

DEPUTY PRESIDENT: Everything that takes place in this House is earnest and serious except humour sometimes displayed during the course of discussion.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Sir, if the Anchal Department is self supporting and is being worked with a profit, where is the meaning in saying that a particular Anchal office should be self-supporting? Instances of this kind can be multiplied. I hope Government would understand the spirit of the resolution and find out remedies. With these words I support the resolution.

MR. K. R. ELENKATH (*Kalkulam I*): Sir, as the resolution stands at present, I am sorry, I cannot support it. But with the permission of the Chair, I will move that " 50 per cent " be substituted by " 20 per cent ".

DEPUTY PRESIDENT: Mr. Elenkath will please speak on the resolution as it is. But arguments may be advanced in support of that position.

MR. K. R. ELENKATH (*Kalkulam I*): With the permission of the Chair I move an amendment; and the object of it is that Government should as far as possible, when framing the budget, should have in view the revenue contributed by the different localities in the State. The resolution, as it is worded, is not acceptable inasmuch as more than 50 per cent of the revenue contributed by the various taluks may be needed for the general purposes, for exigencies of service, for the Government to run on proper and efficient lines. Therefore I move the amendment in order that Government may follow a definite policy so that there may not be any neglect of particular areas.

DEPUTY PRESIDENT: So, you are formally moving the amendment. Instead of " 50 per cent " you want "20 per cent " to be substituted?

MR. K. R. ELENKATH (*Kalkulam I*): Yes, Sir. By doing so, 80 per cent of the revenue can be utilised for the purpose of the general interests of the State and 20 per cent alone for particular areas.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Why does the member fix even twenty per cent?

MR. K. R. ELENKATH (*Kalkulam I*): I am sure that 2 or 3 or even 10 per cent may not serve any purpose at all. So, it must be a considerable proportion. At the same time Government should be enabled to run on proper lines. Administration has to be carried on efficiently. So, 20 per cent is a very reasonable and modest demand and, if properly utilised, is sufficient to meet the obligations in particular areas. Sir, it is very deplorable that Government did not pay heed to the demands of people from whom a considerable amount of revenue is derived. For example, in the matter of tolls, I find that roads from which the largest amount of tolls is being collected are utterly neglected

MR. S. J. NAIR (*Nedumangad*) : May I know whether tolls are being collected on the roads or on the vehicles ? (*Laughter.*)

MR. K. R. ELENKATH (*Kalkulam I*) : On the roads through which vehicles pass.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*) : May I know whether there are any taluks in which 20 per cent of the revenue from tolls is not spent ?

MR. K. R. ELENKATH (*Kalkulam I*) : Yes, there are.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*) : Will the member please name them ?

MR. K. R. ELENKATH (*Kalkulam I*) : Kalkulam for instance ; Vilavankod is another.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*) : What is the revenue from the Kalkulam taluk ?

MR. K. R. ELENKATH (*Kalkulam I*) : I have made only a rough calculation. Salaries and establishment charges should be totally excluded. If you include the salaries of officers, there will be no taluk which does not get 20 per cent. for its development.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*) : Is it the member's opinion that the 20 per cent. should be of the net revenues or of the total revenues ?

MR. K. R. ELENKATH (*Kalkulam I*) : After deducting for salaries etc., 20 per cent. must be set opart for local needs.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*) : May I know whether the member has any objection in spending 75 per cent. of the balance after deducting the expenditure in each taluk ?

MR. K. R. ELENKATH (*Kalkulam I*) : I have very great objection. The State has to meet very important items of expenditure which do not concern particular areas at all. We cannot expect that a large portion derived from each taluk should be spent on it. It may not be in the general interests and welfare of the country. Therefore, I fix it at 20 per cent. and as for the balance, Government should take steps to utilise that income to the best advantage and for the best interests of the country.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Sir, I rise to oppose the resolution. I can very well appreciate the object with which this resolution has been brought forward. I know, Sir, that there is cause for legitimate complaint on the part of the inhabitants of certain taluks which are comparatively neglected with regard to the common amenities of life. But, I do not think Sir, that is because of any prejudice or due to any design on the part of Government to neglect any particular taluk or area. I attribute that circumstance to the fact that Government have no definite scheme of work for the provision of amenities to the various parts of the State. One can understand if a motion is made urging the Government to make definite scheme for the provision of amenities. But this resolution appears to me, Sir, to be very preposterous and I do not think any Government will be able to accept it. I do not think for one moment that this will enure to the benefit of the taluks on whose behalf it is supposed that this plea is made. The needs of a taluk do not at all depend upon the revenue it

[Mr. K. Kunjukrishna Pillai]

contributes. A taluk may be poor in its revenue contribution; all the same it is the paramount duty of the Government to give to the people of that taluk also their bare necessities and amenities which are the right of every citizen. I will take one example. There may be a taluk along the coastal areas where there will be no good drinking water, or a place where there may be a necessity for putting up a high concrete wall to prevent erosion from the sea. If the revenue of each taluk is divided compartmentally as proposed by this resolution it will be impossible for Government to concentrate their attention on such obvious necessities and spend money. It will be making the position of Government absolutely difficult. The proper financing of necessary expenditure will become impossible. It will be making the financial administration of the State antedeluvian. It will be making it absolutely impossible for particular areas, irrespective of their contribution to the general coffers to get their bare necessities of liie. This fact has not been recognised by the mover of the resolution.

Another point also may be urged. It is merely stated "revenue". My friend, the mover at last admitted that he does not intend to include indirect sources of revenue when he used the word "revenue" and that he intended to include only land tax. If we are to take into account land tax alone, there will be other difficulties. Whether the expenditure should be 20 per cent of the total revenue collected or whether it should be 20 per cent. of the other revenues, will have to be considered. I will take one instance. It has been stated that there is a large amount of smuggling going on in certain taluks. The Government have to take preventive measures with regard to them. Those measures may require large sums of money. Is it not necessary, I ask? Yes. It will be in the interests of the State as a whole as well as of the taluks. It is necessary to safeguard the life and property of the people living there as well as the revenues of the State. Will it be possible for the Government to spend the required sum of money to maintain their prestige and power, if we were to allot compartmentally and rigidly just 50 per cent. of the revenue derived from the place, irrespective of such important local needs, irrespective of the special circumstances?

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether the member has not heard of punitive police being established in such cases?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): That is not a question which legitimately arises now.

That does not touch the argument that I have advanced. So the rigid compartmentalisation of expenditure is, according to me, a wrong idea.

DEPUTY PRESIDENT: Your idea is that canons of public revenue and expenditure cannot be influenced by the boundaries of taluks?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Even if it were possible, it should not be allowed. The whole State has to be taken as a unit. Government should meet th absolute necessities of each Taluk

irrespective of its income. That is my plea. Government should not be heard to say that because a taluk gives only so much by way of revenue, that taluk should be given only so much. That will be a primitive form of Government. That form of Government will not be justified in these times. I could have understood it if this motion merely wanted to draw the attention of the House to the necessity of a more equitable distribution of funds for the purposes necessary for each locality. That is a very different matter from asking or recommending to the Government that every taluk must get only 50 per cent. or any definite percentage of the revenue it contributes. That should not be done. I do not think any Government will be able to accept that we should not make recommendations which, on the face of them, are unacceptable. I am not saying this because of any parochial feeling or because my taluk is well provided for or that I want to deprive other taluks of what they really need. I am speaking on behalf of those taluks which make only small contribution but legitimately need large expenditure. This principle of this resolution if accepted, would be ruinous to them and it should not be accepted.

MR. P. C. KURIYAN (*Kottayam I*): May I know.........

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I do not yield. All taluks cannot be satisfied with a bare 50 per cent. of their revenue contributions. Some may need cent. per cent or even more. The expenditure should not be restricted like that. I very strongly oppose the recommendation now made to the Government. At the same time I am in sympathy with the spirit of the recommendation, namely, that there should be a more equitable distribution of funds for the aminities of backward taluks in the State. With these words I oppose the resolution.

MR. P. C. KURIYAN (*Kottayam I*): Sir, I support the resolution. Mr. Kunjukrishna Pillai was saying that, if this resolution is accepted, the poor taluks will suffer. I do not know how that will happen. After all, what the resolution says is that only 50 per cent. need be spent for each taluk. There is the remaining 50 per cent. That can be used for national purposes. There are, as a matter of fact, taluks which suffer by the present allotment of funds. It is not due to any partiality on the part of the Government. It is due to geographical and other causes. It always happens that a taluk away in the High Ranges does not attract the attention of the Government and of the public, as the taluks near the capital.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Is the member prepared to accept the view that 50 per cent. of the income of each *pakuthi* should be set apart for the *pakuthi*?

MR. P. C. KURIYAN (*Kottayam I*): I do not object to that principle. Even if it is for a *kara*, I am prepared to accept that position.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Is the member of opinion that in the case of persons who pay income tax, fifty percent. of the amount of tax that they pay, should be spent for their wants.

MR. P. C. KURIYAN (*Kottayam I*): I do not want to go to that question now. The resolution is not about that. With these words, I support the resolution.

MR. N. E. VARUGHESE (*Tiruvalla I*): സർ, ഞാൻ ഈ പ്രമേയത്തിൽ അടങ്ങിയിരിക്കുന്ന തത്വത്തോട് പൂർണ്ണമായി യോജിക്കുന്നു. ഒരു താലൂക്കിൽ നിന്നുള്ള വരുമാനത്തിൽ എത്ര ശതമാനം വീതം ആണ് ആ താലൂക്കുകാരുടെ ആവശ്യത്തിലേയ്ക്കായി ചെലവിടേണ്ടതു് എന്നുള്ള ഒരു കണക്ക് ആരെങ്കിലും ഇതുവരെയായി എടുത്തിട്ടുണ്ടോ എന്ന് എനിക്കു സംശയമാണ്. അതു ചെയ്യാതിരിക്കുന്നതിനുള്ള കാരണം ഭരണം നടത്തുന്നവർക്ക് ജനങ്ങളുടെ ആവശ്യങ്ങളെപ്പററി യാതൊരറിവും ഇല്ലെന്നുള്ളതു തന്നെ. ഉൾനാട്ടുകാരുടെ ആവശ്യങ്ങളെപ്പററി പട്ടണവാസികൾക്കു അറിഞ്ഞുകൂടാ. അവർ അറിയാൻ ശ്രമിച്ചിട്ടുമില്ല, അറിഞ്ഞാൽ കണ്ണടച്ചു കളയുകയും ചെയ്യും. ഇതു ഇവിടെ മാത്രമല്ല. എല്ലാ ഗവണ്മെൻറുകളുടെയും എല്ലാ സ്ഥാപനങ്ങളുടെയും യഥാർത്ഥത്തിലുള്ള നിലയും സ്ഥിതിയും അതാണ്. കരയുന്ന കുട്ടിക്കേ പാൽ കൊടുക്കുകയുള്ളു എന്നുള്ള പ്രമാണമാണ് സർവ്വസാധാരണയായി എല്ലായിടത്തും കണ്ടുവരുന്നതു. അതുപോലെ തന്നെയാണ് ഗവണ്മെൻറും ചെയ്യുന്നതു്. ആവലാധി പറയുന്നവർക്കും പ്രക്ഷോഭണമുണ്ടാക്കുന്നവർക്കും അധികൃതന്മാരെ വന്ന് എപ്പോഴും കണ്ടുകൊണ്ടിരിക്കുകയും അലട്ടി കൊണ്ടിരിക്കുകയും ചെയ്യുന്നവർക്കും ആണു ഗവണ്മെൻറ് കുറെശ്ശയായിട്ടെങ്കിലും സങ്കടപരിഹാരം വരുത്തിക്കൊടുക്കുന്നതു്. എന്നാൽ ഒരു താലൂക്കോ അല്ലെങ്കിൽ ഒരു രാജ്യമോ മൊത്തത്തിന് എടുത്തു നോക്കുന്നപക്ഷം ൯൦ ശതമാനം ആളുകളും ഗ്രാമവാസികളാണു. കേവലം ൧൦ ശതമാനമോ അല്ലെങ്കിൽ അതിനോടടുത്ത ഒരു സംഖ്യയോ മാത്രമേ പട്ടണത്തിലുള്ളു. പട്ടണത്തിൽ താമസിക്കുന്നവരുടെ ആവശ്യം എപ്പോഴും ഗവണ്മെൻറിൻെറ മുന്നണിയിൽ കൊണ്ടുവരുവാൻ കഴിയുന്നതുകൊണ്ടു ഗ്രാമവാസികളുടെ ആവശ്യം സാധാരണയായിട്ടു നിറവേററിക്കൊടുക്കുന്നില്ല. ഈ പരാതി യഥാർത്ഥത്തിലുള്ള പരാതിയാണു. ഇങ്ങനെ സർവ്വസാധാരണമായി ഏറിയകാലമായിട്ട് നടന്നു കൊണ്ടിരിക്കുന്നതിനാൽ ഓരോ താലൂക്കിൻെറയും ഓരോ പകുതികളുടെയും ആവശ്യങ്ങൾ നടത്തിക്കൊടുക്കേണ്ടതാണെന്നുള്ള ഒരു ബോധം തന്നെ ഭരണകർത്താക്കൾക്കുണ്ടായിട്ടുണ്ടോ എന്നു സംശയമാണ്. ആ ബോധം ഉള്ളിൽ കൂടന്നെങ്കിലല്ലേ കണക്കുകൂട്ടാൻ തന്നെ ഒരുങ്ങുകയുള്ളു. അതിന് ഇതുവരെ ഇടവന്നിട്ടില്ല. ഇനിയും അധികം കാലതാമസം കൂടാതെ ഓരോ താലൂക്കിൽനിന്നും കിട്ടുന്ന വരവിൻെറ കണക്കു തിട്ടപ്പെടുത്തി അതനുസരിച്ചു ആവശ്യങ്ങൾ ചോദിച്ചു വാങ്ങുന്നതിനും കൊടുക്കുന്നതിനും ഇടയാകുമെന്നു ഞാൻ പൂർണ്ണമായി വിശ്വസിക്കുന്നു. ഈ പ്രമേയത്തിൽ

അടങ്ങിയിരിക്കുന്നതായ തത്വത്തെ ഗവണ്മെൻറു് ഇതുവരെ സ്വീകരിച്ചിട്ടില്ല. ഈ കാൎയ്യത്തിൽ ഒരു സ്ഥിരമായ നയം ഗവണ്മെൻറു കൈക്കൊള്ളേണ്ടതു് വളരെ അത്യാവശ്യമാണു്. അതു നീതിനിർവഹണത്തിനു വളരെ ആവശ്യവുമാണു്. വരവിൽ ഒരംശം പൊതു ചിലവുകൾക്കും എല്ലാവൎക്കും പൊതുവിൽ ആവശ്യമുള്ള സ്ഥാപനങ്ങളെ പാലിച്ചുകൊണ്ടു പോകുന്നതിനും മററുമായി ചിലവാക്കാവുന്നതാണു്. അതിലേക്കു് എത്ര സംഖ്യയാണു വേണ്ടതെന്നു എനിക്കറിഞ്ഞുകൂടാ എന്നിരുന്നാലും ഓരോ താലൂക്കിലുള്ള ആളുകളും നികുതിയായി കൊടുക്കുന്ന സംഖ്യയുടെ ന്യായമായ ഒരു ശതമാനം അതാതു താലൂക്കുകളിലെ ആവശ്യങ്ങൾക്കായി അവരവരുടെ സുഖസൌകൎയ്യങ്ങൾക്കായി അവരവൎക്കു തന്നെ കൊടുക്കണമെന്നുള്ള ആ പ്രമാണം ഏററവും നീതിയായിട്ടുള്ള ഒരു പ്രമാണമാണു്. ഒരു സ്ഥിരമായ തത്വമോ അല്ലെങ്കിൽ നയമോ ഈ കാൎയ്യത്തിൽ ഗവണ്മെൻറു് അവലംബിക്കണം എന്നു പറയുന്നതു എത്രയും ശരിയാണു്. തിരുവിതാംകൂറിലെ ഗ്രാമവാസികൾ വിദ്യാഭ്യാസത്തെ സംബന്ധിച്ചിടത്തോളം ഒരിക്കലും പട്ടണവാസികളെക്കാൾ പിന്നോക്കമല്ല. അവൎക്കുള്ള ആവശ്യങ്ങൾ എന്തെല്ലാമെന്നു് അവർ ദിവസംതോറും മനസ്സിലാക്കിക്കൊണ്ടിരിക്കുകയാണു്. അങ്ങിനെ വരുമ്പോൾ അവകളെപ്പററി എല്ലാ കീറി കണക്കു പറയുന്ന ഒരു കാലം ഗവണ്മെൻറിനു് അഭിമുഖീകരിക്കേണ്ടതായി വരുമെന്നുള്ളതു തീർച്ചയാണു്. അവർ അവരുടെ സകല കണക്കുകളും ശരിയായി പറഞ്ഞു വാങ്ങുന്നതിനു മുൻപു് ഗവണ്മെൻറു് ഈ കാൎയ്യത്തിൽ ഒരു നയം സ്വീകരിക്കയാണെങ്കിൽ ഗ്രാമവാസികളുടെ പ്രക്ഷോഭണത്തിനു വഴി തുറക്കാതിരിക്കുന്നതിനു ഗവണ്മെൻറിനു കഴിയും. അതുകൊണ്ടു് ആകെയുള്ള വരുമാനത്തിൽ നിന്നു് ഇത്ര ശതമാനം ഗ്രാമവാസികളുടെ ആവശ്യത്തിനായി ചിലവാക്കണമെന്നുള്ള ഒരു നയം ഗവണ്മെൻറു വളരെ ആലോചനയോടുകൂടി ശാസ്ത്രീയമായി കണ്ടുപിടിച്ചു് അതനുസരിച്ചു ചെയ്യുന്നുപക്ഷം വലിയ കുഴപ്പങ്ങൾക്കു് ഇടവരുത്താതെ കഴിക്കാം. എന്റെ സ്നേഹിതൻ മിസ്റ്റർ. നാരായണപിള്ളയെ ഈ പ്രമേയം അവതരിപ്പിക്കുവാൻ പ്രേരിപ്പിച്ച സംഗതി തന്നെ എന്താണു്? അദ്ദേഹം തൊടുപുഴ താലൂക്കു നിവാസിയാണു്. ആ താലൂക്കിന്റെ ആവശ്യത്തിനു ഗവണ്മെൻറു ചിലവു ചെയ്യുന്ന സംഖ്യ വളരെ തുച്ഛമായിരിക്കും. ആ താലൂക്കിലെ പല ആവശ്യങ്ങളും നിറവേററിക്കിട്ടുന്നതിനുവേണ്ടി പലതവണ ഗവണ്മെൻറിന്റെ അടുക്കൽ പരാതിപ്പെട്ടിട്ടും ഗവണ്മെൻറിന്റെ കണ്ണു് തുറന്നിട്ടില്ലെന്നുകണ്ടു ആ ആർത്തികൊണ്ടും ആ സങ്കടംകൊണ്ടും അദ്ദേഹത്തിനു തോന്നിയവ

ണ്ണും അൻപതു ശതമാനം എന്ന ഒരു കണക്കുമായി ഇവിടെ വന്നതാണ്. ഞാൻ ഗവൺമെൻറിനോടു പറയുന്നതു് ഗവൺമെൻറിൻെറ ഇപ്പോഴത്തെ നയം ഒന്നുമാററി ഓരോ താലൂക്കിൽനിന്നും ലഭിക്കുന്ന തുകയുടെ ഏതെങ്കിലും ഒരു ശതമാനം അനുസരിച്ചു ഓരോ താലൂക്കിലും ചിലവിടണമെന്നാണ്.

MR. G. NILAKANTAN (*Nominated*): ഓരോ താലൂക്കിലും ആവശ്യമുള്ള പണം ഇത്രയാണെന്നു തീരുമാനിക്കുന്നതു് ആരാണ്.

MR. N. E. VARUGHESE (*Tiruvalla I*): എൻെറ ബഹുമാന്യസ്നേഹിതൻ എൻെറ പ്രസംഗത്തെ ശരിയായി ശ്രദ്ധിച്ചു കൊണ്ടിരുന്നെങ്കിൽ ഈ ചോദ്യം ഉണ്ടാവുകയില്ലായിരുന്നു.

ഗവൺമെൻറു് എല്ലാ സംഗതികളും ശരിയായും ശാസ്ത്രീയമായും ആലോചിച്ചു് വരവിൻെറ എത്ര ശതമാനമാണു് അതാതു താലൂക്കുകളിലേയ്ക്കു വീതിച്ചു കൊടുക്കേണ്ടതു് എന്നു് തീരുമാനിക്കണമെന്നാണു് ഞാൻ പറഞ്ഞതു്.

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): Sir, I oppose the resolution. The honourable member who moved the motion was not clear whether he referred to Land Revenue alone. If he refers to the Land Revenue of each taluk, the total revenue of the State according to the last Budget is Rs. 38 lakhs, out of which we have to pay a contribution of Rs. 16 lakhs to the Devaswoms. If we allot Rs. 19 lakhs for the various taluks, we get only Rs. 3 lakhs for general purposes. So if he refers to Land Revenue alone the resolution cannot be considered at all. On the other hand, if he refers to the total revenue of each taluk, then the proposal amounts to the grant of partial financial autonomy for each taluk.

RAO SAHIB MAHA KAVI S. PARAMESVARA AIYAR (*Nominated*): Is the member aware of such a system in any State in India?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): No, Sir, that is what I am coming to. It will involve a radical change in our administrative and financial policy, I may call it, even a revolutionary change. One of the chief aims of Government is to supply a uniform standard of administration to all the parts of the State. The Government does not view differently a taluk which has got a deficit budget from another with a surplus budget. That is the principle underlying the present system of administration. If the member wants that all the 40 units should be treated as separate for financial purposes I have only to state it, to draw the attention of the House to the absurdity of such a proposition. If he means, on the other hand, that 50 per cent of the land revenue alone should be set apart for each

taluk, the proposition is found to be quite unsound politically, administratively and financially. There will not be sufficient residue to meet the general charges of the State. I do not think that it requires many words to show that the proposition is not a sound one.

MR. K. R. ELENKATH (*Kalkulam I*): Is there any objection to spend a proportion of the revenue, apart from land revenue, derived from each taluk, in that taluk itself?

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*): It means keeping of separate accounts. We don't keep separate accounts for each taluk. Take customs, for instance. If all the revenue derived from Alleppey under customs were to be spent for Ambalapuzha taluk, then, what about other taluks which do not have such resources. We can't have such compartmental system in the matter of allotting money for nation building activities. We have got to take into account all the resources of the State for such matters. If the House votes the expenditure for a particular need in a particular taluk, then the matter is different. With these words I oppose the resolution.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): In the nature of the reply given I don't wish to press the motion.

The resolution was, by leave, with drawn.

MALAYALEES IN CEYLON.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I beg to move the following resolution:—

> *"This Assembly recommends to Government that, in view of the anti-Indian agitation especially directed against the Malayalees in Ceylon, the Government of India be requested not to enter into any trade agreement with Ceylon, till all the disabilities of the Malayalees and other Indians in Ceylon are done away with".*

Sir, I wish to point out to this House and to bring to the attention of Government the necessity for taking prompt action to make our demands to the Government of India with a view to rectify many disabilities that the Malayalees in general and Travancoreans living in these parts suffer in Ceylon. Sir, it has been engaging the attention of the people all over India that in Ceylon a particular section, the Indian people especially Malayalees, are looked upon with prejudice. They have contributed substantially for the development of that Island. It is seen from figures that among the many people engaged in various trades and occupations in that country, the Malayalees form a considerable majority. And there are very many people from Travancore who are in Ceylon and who are subject to these disabilities.

Sometime ago, irrespective of party feelings, a considerable section of the members of the Indian Legislative Assembly published a statement protesting against the policy of discrimination, and the agitation against Malayalees. Sir, a Commissioner was appointed by the Ceylon

Government to enquire into this matter and his report has been submitted and it is found from that report that they make certain discriminations with regard to certain species of labour who go from India to Ceylon. It is seen also that certain prohibitions are made in regard to certain kinds of labourers while certain other kinds of labourers are permitted to go to Ceylon to earn their livelihood. The only thing that our Government should do in this matter is that they should take prompt and effective steps to safeguard the interests of Indians in Ceylon. Sir, we must bear in mind the fact that Ceylon is carrying on unfair competition in regard to the sale of our money crop, the cocoanut. It is also a fact that the Ceylon Government has been imposing various duties on the import of our products such as eggs, tea, vegetable, oil, fish and other things. I myself have brought that matter to the attention of the House, by way of an adjournment motion, that Government should take adequate steps to ventilate their grievances to the Government of India and take prompt measures to redress those grievances. The object of this resolution is to draw the attention of Government to the necessity of safeguarding the interests of the Malayalees and Travancoreans residing in Ceylon. Sir, the time is opportune to approach the Government of India with this request as they are now negotiating with the Government of Ceylon with regard to some new trade agreements. It is to show to this House the necessity to redress the grievances of our people in Ceylon and to press this matter upon the attention of the Government of India, that I move this resolution.

[At this stage the President took the Chair.]

MR. A. EASWARA PILLAI (*Kalkulam II*): May I know the meaning of the word Malayalee ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): By "Malayalee", I meant not the people who speak Malayalam but all those who belong to the Malabar country including Travancore, Cochin and Malabar.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I second the resolution.

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): This question has already engaged the attention of Government. They are fully aware of the hardships and difficulties that the Malayalees in Ceylon are subjected to. Probably the honourable member may be aware that Ceylon is not the only country where Indian immigrants are put to such hardships. Even in the F. M. S., Burma, and East and South Africa the Indians experience very many disabilities. Government realise that such grievances require redress; and I may inform the House that the Government have taken necessary action in the matter. They have addressed the Agent to the Governor-General to bring to the notice of the Government of India the pitiable condition of the Malayalees in Ceylon and received a reply from the Government of India that our view-point has been communicated to the Agent to the Governor-General in Ceylon and that he has been specially instructed to give all facilities to the Malayalees including Travancoreans to prepare a Memorandum of their case for submission to the Immigration Commissioner who is now enquiring

into the question. Whatever possible, has been done; but wheather it is possible or advisable to tell the Government of India that they shall not enter into any trade agreement with Ceylon until and unless all disabilities suffered by the Indians especially Malayalees, are removed, I really cannot say. The agitation on the part of a section of the Ceylonese against Indians has been clearly brought to the notice of the Government of India; and honourable members may rest assured that the Government of India have considered the question and are doing all that is necessary. If anything further is to be done, I can assure the House, that this Government will not fail to do it. The Government feel as much as the honourable members on the importance and seriousness of the question; and I may assure this House that the Government will not leave undone anything which could be done to mitigate the hardships of our people in Ceylon or, in any other country.

MR. P. C. KURIYAN (*Kottayam I*): The resolution is: "Government will be requested not to enter into any trade agreement with Ceylon". As I understand the resolution, I think we are setting a tall order on the Government of India.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know from the member whether he understands the meaning of the word "request"?

MR. P. C. KURIYAN (*Kottayam I*): What I suggest is that to request the Government of India not to enter into any agreement with Ceylon, I think, is going too far. I fear if this resolution is carried, we may forfeit the favours, necessary for our well-being, which we now derive from the Government of India Moreover their not entering into any trade agreement with Ceylon will not remove our disabilities in Ceylon. But if the mover wants only to bring to the notice of Government, I am certainly prepared to support his resolution.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I am satisfied with the assurance given on behalf of Government by the Leader of the House. I only wanted to urge on the attention of Government the necessity for bringing this matter prominently before the Government of India and was suggesting a method to make the Ceylon Government yield to our reasonable request.

Resolutions are only recommendations made to Government and they need not be construed and interpreted as statutory enactments. Regarding this matter, I am satisfied, that Government will do all that they possibly could. I do not for a moment accept the elucidation of constitutional proprieties given by my honourable friend Mr. Kuriyan. But I am satisfied with the assurance given by the Chief Secretary and I withdraw the resolution.

The resolution was, by leave of the House, withdrawn.

RECRUITMENT OF MAGISTRATES FROM THE BAR.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Sir, I beg to move the following resolution:—

"This Assembly recommends to Government that in future fifty per cent of the Magistrates' vacancies be filled by direct recruitment from the Bar."

[Mr. T. Krishna Pillai.]

Sir, the principle of this resolution, it is eminently gratifying to note, has already been accepted by Government as is evident from the recent recruitments from the Bar to fill up certain vacancies in the Magistracy. In spite of the laudable move on the part of Government to improve the efficiency of Magistracy, I move this resolution to impress upon Government that they should not rest content with such stray recruitments, but should in future adopt it as their definite policy that at least fifty per cent. of Magistrates' vacancies should be filled up by direct recruitment from the Bar.

Sir, as for the advantage in adopting this policy, I do not think there is any necessity to expatiate. Undoubtedly, lawyers of experience are better qualified and better fitted to fill the place of presiding officers of the Criminal Courts. Executive Officers are selected on the basis of their general qualification. It is rather too much to demand of them any special skill. Their knowledge of law is of only secondary concern to them but to a judge, the scientific and thorough knowledge of law is the primary concern. His experience in the legal procedure and his experience in the legal atmosphere of the law courts makes a a lawyer more efficient to be a judge than an executive officer who has never before visited a law court, but has been confined within the four walls of his office. Comparisons are odious, and I do not want to pursue that further But there is no gainsaying the fact that a lawyer of experience is by far fitted to fill the place of a Magistrate rather than an executive officer of Government, Government have already begun to recognise this; and what I stress is that, in future, better encouragement should be given to lawyers, and the practice of recruitments from the Bar should be adopted as a policy by Government.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know whether the term "Magistrates" includes District and First Class Magistrates also?

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Certainly.

MR. A. EASWARA PILLAI (*Kalkulam II*): May I know how these vacancies are filled up now.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): By promotion from the executive.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is it the member's suggestion that 50 per cent. of the District Magistrates also should be recruited from the Bar?

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): I mean the First and Second Class Magistrates, *i. e.*, the subordinate magistracy as a whole. With these few words I move the resolution for the unanimous acceptance of the House.

MR. K. R. ELENKATH (*Kalkulam I*): Sir, I would like to make a few observations on the resolution. The principle has been accepted that some percentage of the members of the Bar should be recruited. If that principle is accepted in the case of appointments in the Civil Courts, I do not find any reason why the principle cannot be extended to the Criminal Courts as well,

It is seen very often that Magistrates who are directly recruited from the clerical staff do not find themselves well-versed in procedure and in the legal aspects they have to administrate; and it is only proper that at least a percentage is directly recruited from the Bar. In the case of direct recruitment as District Magistrates, this principle may not very often be helpful and workable. Though it is done in the case of High Court Judges, I do not think that it is advisable to follow that principle in the case of criminal justice by making the resolution applicable to original appointments of District Magistrates. With these words, I second the resolution.

MR. S. J. NAIR (*Nedumangad*): Sir, I support the resolution. The policy generally adopted by the Government, at present, in the matter of recruitment of Second Class Magistrates is by granting promotion to clerks in the Secretariat, Land Revenue Department and the Account Office. As a lawyer, I can speak out my personal experience and knowledge; and I assert that this system has been a failure. In ninentynine cases out of a hundred, I can assure this House and Government that the Magistrates recruited from the clerks, have been a failure The reason is this It is not due to the absence of intelligence or the absence of knowledge on their part but it is due to the absence of experience, of human knowledge, of human nature and the absence of intimate contact with the people of the country.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether second grade pleaders also should be recruited as Magistrates ?

MR. S. J. NAIR (*Nedumangad*): I can assure this House and the Government that if second grade pleaders are appointed as Stationary Magistrates, they will be the most successful Magistrates. They have got practical knowledge of the law to be administered and the ways and means.........

MR. P. C. KURIYAN (*Kottayam I*): Is the Magistracy at present suffering due to the absence of recruitment from the Bar ?

MR. S. J. NAIR (*Nedumangad*): The efficiency can be enhanced by appointing practising lawyers as Magistrates. With these few words I support the resolution.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose this resolution. I am glad, however, that Mr. Krishna Pillai has recognised that Government have recently appointed as Magistrates certain members of the Bar. This question of directly recruting members of the Bar as Mrgistrates has come up on many previous occasons for debate in this House. Government, while recognising the general principle, that members of the Bar may be recruited as Magistrates, have given no undertaking that any *specific* percentage of the Magistracy would be recruited from the Bar. They have always taken the view that the members of the Bar also may be treated as eligible candidates for the post of Magistrates. I am glad that Mr. Krishna Pillai has frankly admitted that Government did recently recognise, as it were, the claims of the members of the Bar for some places of the Magistracy. But I must definitely say that it is quite inexpedient and unfair to reserve a definite percentage of Magistrates' posts for the Bar.

[Mr. Kayalam Paramesvaran Pillai.]

It has been argued as though the Magistrates are purely judicial officers. I think I must remind the House that the Magistrates are not purely judicial officers. In dealing with the resolution, you must take the law as it is and the constitution and system of Government of the country as they are. If you do that, it will be seen that Magistrates are not purely judicial officers. They are to a considerable extent executive officers also. It will be seen from the Criminal Procedure Code that amongst the duties of the Magistrates are the duty to disperse unlawful assemblies— if necessary by the use of Civil Force and Military Force; to hold inquests in cases of suspicious deaths and necessarily to hold so in the case of death of any person while in police custody; to disinter corpses; to arrest and take cognizance of cases on suspicion and information to arrest persons committing offences in his presence or persons for whose arrest he has to issue a warrant. etc.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*) : May I know whether lawyers recruited as Magistrates will be inefficient to do these duties.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I am coming to that. The House cannot deny my statement that Magistrates are executive officers also. It should be noted that the promotions of Magistrates are in the executive line. They are promoted as Tahsildars in the first instance, and later on as Peishkars. In fact they have to look for their promotions in the executive line. What is the particular significance then in pointing out that a certain percentage of these judicial officers must be given to the Bar?

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : May I know why the Law Member says that lawyers are not fit to discharge the duties of Tahsildars and Peishkars?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vkil*) : I have not yet said that, yet I may say it later on however.

I was just now saying that the argument has been advanced that lawyers, because they are handling the machinery for administration of justice, therefore they will be good in administering law as Magistrates. In reply, I am pointing out to the House that that is a misconception. The Magistrates are not mere judicial officers, either on account of their function or in the light of their line of promotions, which is in the executive line as Tahsildars and Peishkars The recommendation in the resolution is that fifty per cent., or a substantial percentage, of the Magistrates may be recruited from the Bar. We must recognise the existing state of affairs.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : Why not the entire percentage be given to them?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I am not at all sure if that portion will be taken unless my friend will say also that the entire percentage of Munsiffs and Judges must also be recruited from the Bar.

MR. K. R. ELENKATH (*Kalkulam I*) : May I know which function is more onerous—executive or judicial?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Both are equally onerous. For example, the Magistrate has primarily the responsibility for the condition of the District as regards repressible crime. Is it not an onerous function? To some extent, it may be considered as even more onerous than that of a Judge sitting in his Chair and adjudicating between party and party.

We cannot forget the fact that Magistrates are to a large extent also executive officers. Having regard to the system obtaining here, Magistrates have to look for promotion only in the executive line. I could have understood an argument that lawyers are better than clerks for all work and therefore fifty per cent. should be given to them. But Mr. Krishna Pillai was not saying that. He said that lawyers were accustomed to judicial work and therefore they should be recruited as Magistrates. I am contesting that proposition.

MR. P. C. KURIYAN (*Kottayam I*) : Have not Munsiffs and Second Judges been appointed as Division Assistants and District Magistrates?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, be it so.

MR. K. R. ELENKATH (*Kalkulam I*) : May I know whether they have been found lacking in capacity?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That must be answered by putting another question, *viz.*. whether the present Magistrates have been found lacking in capacity?

In every case of recruitment, Government will consider the merits of all the candidates, both from the Bar and from the service, and will appoint the best person. If the House says that fifty per cent. should be reserved for the Bar, it will be tying the hands of Government.

MR. K. A. NARAYANA PILLAI (*Todupuzha cum Devicolam*) : May I know whether in the case of the two or three recruitments recently made, Government considered the merits of all the candidates whose applications were received?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Government selected the best of the candidates available.

I am not asserting that any person should be appointed as Magistrate merely because he is a clerk of the Account Office or of the Secretariat. The claims of every candidate will be considered and the best man will be chosen. If the House says that fifty per cent. of the appointments in the Magistracy should go to the Bar, it is as good as saying that fifty per cent. of the posts in the Revenue Department should also be reserved for the Bar.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : I wish to know whether all the Tahsildars, Secretaries and other officers are promoted from among the Magistrates.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, generally. What else is the line of promotion for Magistrates? Will the honourable member say that a Magistrate should be appointed as a Second Judge or a District Judge? At present the Magistrate can move up only in the executive line. He may be appointed as an Excise Inspector, or a Tahsildar, or he may become an Assistant Secretary. He moves up only in the executive line, and not in the judicial line.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Under the existing system, what are the special qualifications of the officers appointed as Tahsildars?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Their aptitude to do that work, and their experience in executive work.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether a man is tested before he is considered fit for a Tahsildar's place?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government do consider his fitness before appointing him. As for tests, there is the Account Test, and other Departmental tests. I grant that there is no Tahsildar examination. But I ask what is the particular merit of a lawyer to be a Tahsildar.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I ask what is the particular merit of a clerk to be a revenue officer.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I ask what is the particular merit of a lawyer to be a revenue officer. Both the clerk and the lawyer are fit and both are unfit. It must also be noted that the clerks of the Secretariat are taken from the same material as the lawyer, in that both are products of the same University.

MR. A. THANU PILLAI (*Trivandrum - Rural*): Is it seriously contested that members of the Bar are generally inferior to clerks of the Secretariat, for revenue or other executive work?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It may be quite correct to say that in some cases. But that apart, the question may be asked, if the lawyer is better fitted for administration of justice because he has been working in that field, why not it follow that a clerk who has been in the executive line, is better fitted for executive offices. Having regard to the system of administration here, you cannot separate the Magistrate from his executive work, and argue that he is a purely judicial officer. It may be pointed out that fifty per cent. of the Munsiffs are appointed from the Bar. But, would it be a correct proposition to say that fifty per cent of the Magistrates shall be appointed from the Bar? As I was saying, all are products of the same University education. One goes into the Bar and the other into the Secretariat. Why should we say that fifty per cent. should be reserved for a particular line alone? That will also be impairing

the efficiency of the Magistracy because Government may not be able to get the best men for all the vacancies that may arise. It will also reduce the chances of promotion for men already in service. The best course will be to lay down that the best candidate should be recruited, from service or from the Bar.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Does the member mean to say that Government will recruit more than fifty per cent. from the Bar?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Possibly. The only rule that Government can lay down is that the claims of all possible candidates will be considered. It seems to me that it will be unfair if the House lays down any other rule, as it will be doing injustice to those products of the University who have taken a different line of work from that of the lawyers.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, I rise to support the motion. I am induced to do so more by the faulty reasons of the Law Member than the conclusion he has arrived at. The Law Member seems to persume that generally people who are not lawyers are better fitted to do revenue or other kind of non-judicial work. Clearly, there is fallacy in that argument. For my part, I maintain and I think everybody acquainted with the Bar will agree with me that a lawyer is better fitted to do any kind of work.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is the lawyer better fitted to support this resolution? (*Laughter.*)

MR. A. THANU PILLAI (*Trivandrum-Rural*): Yes. But often he advances arguments not maintainable at all. All that apart, my position is that the lawyer is generally better fitted to do any kind of work that does not require special skill or technical training. The nature of his work is such that he comes in contact with all classes of society and gains a kind of experience which enables him to shine in all kinds of work.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Then, why confine the resolution to the Magistracy? There are Police, Excise etc.

MR. A. THANU PILLAI (*Trivandrum-Rural*): By all means do it. Here, the resolution deals only with Magistracy. Therefore I support it. I would say that Government would do very well to recruit largely from among the members of the Bar for vacancies in the Police, Excise, and Land Revenue Departments as well. I do not think that the Land Revenue Commissioner will have to regret if he recruits any number from among the Bar. How far that is expedient is doubtful. Any way, we are not considering that question now. But, the Magistrates can certainly be recruited from the Bar. The Law Member's main point is that because a Second Class Magistrate has to be promoted as Tahsildar or as Assistant Secretary, it is not expedient that 50 per cent of the appointments should be given to the vakils. I, for my

Mr. A. Thanu Pillai.]

part, do not see the force of that argument. I think, whatever restrictions we may impose, we have got a sufficiently large number of vakils in the State to provide for all the vacancies in the Magistracy or in the Revenue Departments. There is absolutely no point in saying that these promotions as revenue officers should be given only to the clerks. How is it that, when a clerk of the Secretariat or of the Account Office would be fit to become a Tahsildar, a Magistrate who has been recruited from the Bar would alone not generally be fit to become a Tahsildar? That is difficult to understand. There is absolutely no force in that contention. Now the recommendation is that, in future, fifty per cent. of the Magistrates' vacancies shall be filled by direct recruitments from the Bar. There is a large body of vakils in the State who really would like to get avenues of work elsewhere than in their own profession, because of existing conditions. That is a fact. And it is also a fact that the Bar will supply better material for official work than the body of clerks in the Government offices.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): Is a graduate-in-law a first class material?

MR. A. THANU PILLAI (*Trivandrum--Rural*): Certainly. He is good material whether he is a vakil or a clerk. That is why the posts have to be shared equally. So, the resolution has to be supported. There is nothing absurd or wrong about it The Law Member has said that the Government have really an idea of recruitment from among the members of the Bar, for Magistracy. Then I ask, why not fix a definite percentage? It will be helpful to the Bar as well as to Government. Whenever there are two vacancies, give one to the Bar and another to the clerks in regular service. I do not think that there is anything wrong about it, seeing that the vakils will do very well not only as judicial but as revenue officers also. For instance, we have had vakils recruited as Munsiffs; and they were soon drafted on to other departments, purely as executive officers. They have proved quite successful. They have not been found wanting. Considering the present situation in the Bar, the exigencies of the service and the question of the lack of facilities for educated men, I very strongly support this resolution.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Sir, I am really sorry the honourable Law Member, who is himself an ornament to the legal profession, has taken such a pessimistic view about the abilities of the lawyer to do executive duties. When the President called upon the Law Member to speak about this resolution, I was rather optimistic and hoped that I would get full support from him. Sir, if the ability of a lawyer for executive functions is proved, I do not think there is any difficulty to convince the House about a resolution of this kind. One instance will be quite sufficient. Now-a-days, Travancore Government is going in for the help of eminent lawyers from outside, to steer clear the affirs of the State. From the experience we have had, it is quite clear what the ability of the lawyer as executive officer is. No other

instance, therefore, seems necessary. Anyhow the Government have already accepted the principle of this resolution by recent appointments. Only, the resolution urges that it should be adopted as the definite policy of Government that a certain specific proportion should be recruited from lawyers, whenever vacancies arise in the Magistracy. No financial commitment is involved in accepting this resolution. So I press the motion.

The resolution was put to vote and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I demand a poll.

A poll was taken and the House divided as follows :—

AYES—41.

1 Mr. N. Abdur Rahiman Sahib
2 ,, A. Achyuthan
3 ,, S. Chattanatha Karayalar
4 ,, A. S. Damodaran Asan
5 ,, A. Easwara Pillai, (Kottarakara)
6 ,, K. R. Elenkath
7 ,, Antony George
8 ,, M. Mahomed Haneef
9 ,, S. J. Nair
10 ,, M. K Janardana Kammath
11 ,, N John Joseph
12 ,, T. C. Joseph
13 ,, K. C. Karunakaran
14 ,, N. Kesava Panickar
15 ,, K. M. Krishnan
16 ,, K. P. Krishna Menon
17 ,, Pottayil S. Krishna Panickar
18 ,, N. K. Krishna Pillai
19 ,, Puthupalli S. Krishna Pillai
20 ,, T. Krishna Pillai
21 ,, K. Kunjukrishna Pillai
22 ,, P. C. Kuriyan
23 ,, K. Madhavan
24 ,, M. K. Madhavan Pillai
25 ,, K. A Narayana Pillai
26 ,, Pacode A. Narayana Pillai
27 ,, S. Nilakanta Pillai
28 ,, K. Padmanabhan
29 ,, Edavanatt S. Padmanabha Menon
30 ,, Kainikkara M. Padmanabha Pillai
31 ,, R. Raman Pillai
32 ,, R. Sambasiva Aiyar
33 ,, R. Sivaraman Nair
34 ,, M. Sivatanu Pillai
35 ,, A. Thanu Pillai
36 ,, S. Thiraviam Nadar
37 ,, P. K. Thomas
38 ,, N. E. Varughese
39 ,, V. K. Velappan Nair
40 ,, T. P. Velayudhan Pillai
41 ,, T. K. Velu Pillai

NOES—18.

1 Mr. K. C. Abraham
2 ,, T. K. Alexander
3 ,, V. T. Chacko
4 ,, C. V. Chandrasekharan
5 ,, K. George
6 ,, T. T. Kesavan Sastri
7 ,, C. Kumara Das
8 ,, Rao Bahadur Dr. N. Kunjan Pillai
9 ,, K. Madhava Kurup
10 ,, C. O. Madhavan
11 ,, P. C. Narayanan Bhattatiripad
12 Mr. K. R. Narayana Aiyar
13 ,, G. Nilakantan
14 Rao Sahib S. Paramesvara Aiyar
15 Mr. Kayalam Paramesvaran Pillai
16 ,, R. Pitchu Aiyangar
17 ,, V. Ramakrishna Panickar
18 Rao Bahadur A. Rengasvami Aiyar

NEUTRALS—7.

1 Mr. A. Easwara Pillai (Kalkulam II)	4 ,, J. M. Joseph
2 Miss. Hepzibah Gnanasikamony	5 ,, E. K. Kunjuraman
3 ,, T. S. Jayanthan Nambootiri	6 ,, K. M. Kuriakose
	7 ,, Srimati T. Narayani Amma

The resolution was declared carried. 41 voting *for*, 18 *against and* 7 *neutral*.

FAREWELL SPEECHES.

MR. K. C. ABRAHAM (*Kottayam II*): With your permission, Sir, may I suggest that owing to certain engagements fixed up for the evening by the non-officials and the necessity for making certain references before the House adjourns, it is our unanimous wish that business of the day may be closed and that you may be pleased to order accordingly.

PRESIDENT: This is a non-official day and I am not disposed to go on if the honourable members would not consider that I would be depriving them of an hour's business. It is suggested that, for certain purposes which probably may be known to most members of the House, the business should be stopped. I do not know what the sense of the House is.

The House unanimously gave its consent.

PRESIDENT: It was suggested to me that, before adjourning this House, as this is likely to be the last occasion on which the House, as at present constituted, would meet for the transaction of business, an opportunity may be given to the President to address a few remarks, and for certain members to offer some observations. This desire was conveyed to me this morning, and I gladly acceded. In the first place, it is my gratifying duty to place on record the sense of deep obligation which the Government owe to this House and I personally owe to this House for many courtesies and much help. The Legislature in Travancore is in a real sense in partnership with the Government. Increasingly that feeling has grown and I trust it will grow to such an extent that on both sides the realisation becomes clearer and clearer with the progress of time that to the extent to which Government take this House and the sister House into confidence in regard to their policies, to the extent to which they follow, as far as possible, the desires and the recommendations of this House, to that extent Government will not only be lightening its work but performing its duty towards the inhabitants of this great and historic State. Equally must it, I think, be made clear, and become increasingly clear, to the members of the Legislature that they as limbs of Government are performing very responsible and onerous functions in the discharge of which they should bring to bear upon that task all those qualities, firstly, of enthusiasm for work, secondly, of disciplined restraint and thirdly, of fearlessness in the discharge of the duties which devolve upon them as would enable them to perform that sacred obligation with which they were charged by their constituencies.

I said something about the Government taking this House into full confidence I made some remarks with regard to this matter on an earlier occasion and I wish to repeat and re-emphasise those remarks. It is the avowed object and it will be the constant pre-occupation of the Government of Travancore that, so long as any matter is in the confidential stage, these confidences will have to be respected and strict reticence must be observed. In the enunciation and formulation of policies, in the carrying out of important projects, in coming to a determination on economic and political affairs of a nation-building character, Government will always take and endeavour to take this House and the sister House into the fullest possible confidence. Let me illustrate both sides of the question. When the Government of Travancore arrived at the decision to embark on a particular scheme with reference to the all-important question of transport, the public and this House were taken into confidence because Goverement felt that they had every thing to gain and nothing to lose by the fullest possible ventilation of views and by the expression of those views in the freest possible manner. Similarly Government have been taking and will take this House into confidence in such matters as Federation or other paramount matters, though not before the proper time. It may be asked why we have not done so already. The reason is clear; and I think I must state it here and now. Very recently a Committee of special representatives of His Excellency the Viceroy came to Trivandrum and had debates and discussions with the representatives of this Government on the question of reservations to be made and the conditions and limitations subject to which accession to Federation can take place. Those debates and discussions were definitely regarded as confidential at that stage. We were put on our honour, and whatever the temporary unpopularity may be, when we were so put on our honour, I have taken the line that no word must escape our lips so long as that compact holds. But the Government of India have been asked to allow the Government of Travancore to give facilities for taking the Legislature into confidence, and when and if that permission is granted, the necessary materials for a decision will be placed before this House. That I may assure you. There is another aspect to which I would refer in this connection. There were certain discussions with regard to the Cochin Harbour. We were put on our honour, and the Travancore Government was asked not to divulge anything. They did not, until certain details were published. Even now some of those details are in the confidential stage. Mr. Nanavathi, Deputy Governor of the Reserve Bank and Mr. Stocker, the Deputy Managing Director of the Imperial Bank are here negotiating with us in regard to a banking scheme. In regard to these matters, as soon as possible, this House and the public will be taken into confidence but naturally in the earlier and preliminary stages complete reticence is essential for the proper conduct of the business. It is expected, and confidently expected, that this House and the sister House will assist the Government not in the spirit of carping critics but in the spirit of collaborators and partners; and I hope that the Legislature of Travancore will, in future as in the past, act in that spirit of partnership with the Government of Travancore.

[President.]

Before I proceed further I think I must point out to you the work that has been transacted by this House. Nine Sessions of the Assembly have been held during which the House sat for 97 days. Of these, 13 days have been utilised for transacting non-official business.

Fifteen official Bills and two non-official Bills, have been passed by the Assembly and they have become law after receiving the concurrence of the Council and the assent of His Highness the Maharaja. Those items of legislation are, some of them, very important. I need not remind members of those various items. But the Edavaga Regulation, the Travancore Provident Insurance Societies Regulation, the Travancore Village Panchayat Regulation, the Travancore Hindu Law Inheritance Regulation, the Travancore Rubber Control Regulation, the Travancore Ancient Monuments Preservation Regulation, the Travancore Agriculturists' Relief Regulation and the Travancore Life Assurance Companies Regulation: these are amongst the most important achievements of this House. And in this session we have passed, what I consider to be a very useful piece of legislation, namely the Income Tax Regulation. In course of time it is perfectly clear that Income Tax and super tax will have increasingly to take the place of other modes of taxing. It is obvious that sooner or later in this State as well as in other parts of India the method of deriving land taxes and dealing with agricultural incomes will have to be reviewed and perhaps reconsidered in the light of modern ideas. In the course of this session we have also passed what I consider to be a very important piece of legislation *viz.*, the Bar Councils Regulation. During the progress of the Bar Council debates I was not able to intervene. But I hold the view very strongly that the Travancore Bar yields to no other Indian Bar either in acumen or advocacy. I have been a member of this Bar myself and I know its attainments and potentialities. But in order to enable other people to realise this and to act upon that realisation and belief, we must keep high the ideals of our Bar. Our Bar Councils must keep high their standards and get all-India recognition. We have also passed a piece of social legislation. The Hindu Widows Remarriage Bill is indicative of the progressive character of this House. Altogether 2,620 questions have been answered in the House, the average number of questions answered on a day being 27 and a number of resolutions have been passed. These resolutions have been or being given effect to by Government so far as circumstances and the finances of the State would permit. The resolution passed in 1108 recommending that 25 per cent. of the tax for 1109 should be remitted, etc., was accepted and given effect to by Government with the modification that only 12½ per cent. of the tax on all wet lands was remitted. The resolution passed in 1109 recommending the abolition of export duty on copra and other cocoanut products, was also accepted by Government with modifications, that is to say, the tariff values of cocoanuts and of the principal cocoanut products copra, cocoanut oil, and punnac, were reduced for levy of export duty thereon with effect from the 1st Chingam 1110. The Budgets of 1109 to 1112 have been discussed and passed by the Assembly subject to a total reduction of Rs. 21,840. It can surely be stated that the Government have always given

the best consideration to the views expressed by the members and have invariably acceded to the wishes of the House in the matter of these reductions, as for instance, in regard to the abolition of the posts of Income Tax Inspectors, of the Personal Assistant to the Inspectress of Girls' Schools, of Deputy Durbar Physician, and of the Tanning Expert. Taxes have been remitted or their payment postponed in really deserving cases, though not up to the extent recommended by the Assembly on the several occasions. Only in two cases of reduction made in the budget for 1112, *viz.*, in respect of the abolition of the post of Game Warden and the reduction of the pay of the present Director of Registration to the standardisation scale, it became impossible for Government to accept the proposals of the House owing to the difficulties involved therein. The Assembly discussed four important reports of Committees appointed by Government, *viz.*, the Education Reforms Committee, the Public Service Recruitment Committee, the Co-operative Enquiry Committee and the Agricultural Debt Redemption Committee. The views expressed in the House have always been of great assistance to Government in arriving at important decisions in regard to those subjects. That, in a very bare form, is a chronicle of the achievements of this House.

Before I conclude, I wish to say that this House has done fine work, useful work, formative work. I congratulate the members of this House, and to such of them as are likely to undergo the ordeal of the forthcoming election, I convey my best wishes. Your successors will meet under a different constitution, under a widely extended franchise. I do not mean any disparagement to those who are to succeed you. But I will say that they will do very well indeed if they follow your footsteps and keep up your standards, and sense of diginity, and the business-like character which has marked your debates and your deliberations.

I do not think I shall be acting fairly if I do not refer to the future of this State, of the country, under the costitutional developments that are proceeding apace. I have already told you that it is not possible for me to give you the exact details of the claims put forward or the case presented as to Federation by the Travancore Government before the Government of India and the British Government. I cannot give details until and unless I get permission to do so. But I may assure this House of the outstanding fact that the Government of Travancore feel very very strongly indeed that their nation-building policies are of such wide and comprehensive character, and their needs are so great and so insistent, that they cannot afford to lose any portion of their present income or revenues. Not only so but it is incumbent upon them, and it will be their paramount obligation, without oppressive burdens upon the inhabitants of the State, to see to it that they augment their resources in such a manner that their schemes can come to frution. Remember what those schemes mean. Those schemes, according to the commands of His Highness the Maharaja, than whom as I have always said there is no greater patriot in the land, those schemes involve the transformation of an essentially agricultural State into a State at least partly industrial. Those schemes involve the reorientation of education and the remodelling of our systems of training in such a manner that our men and women may be fitted to play a

[President.]

part in that industrial and economic regeneration without which we shall be hard put to it; and for that purpose they comprise the inauguration of a new University, not designed merely to multiply the existing facilities but designed for the specific object of enabling people to play their part in economic rehabilitation.

They also include the diffusion of power and of light, the diffusion of facilities for easy transport by reorganising and improving the motor-bus and trolley system and the canal system so as to make it easy for the products of our manufactories and our fields to reach their markets. These are our basic necessities. Remember that in an area of practically 6,000 square miles - because the rest of it is forest or backwaters—you have a population double that of Baroda and more than 150 per cent. of the population of Kashmir which is almost ten times the size of Travancore; and that population growing almost visibly day after day and year after year. Unless therefore new means of wealth, new means of wealth production are soon acquired our case would be very hard indeed. Therefore we require all the resources at our command. We require the co-operation of every body. We require conjoint effort, and we require economic thinking and economic planning. Therefore it is not possible for the State to diminish any of its resources, to make financial sacrifices of a substantial chracter. It is not intended, moreover, that this State will enter the Federation except as an equal amongst equals in every possible sense. These two requisites, it will be the preoccupation of the State, ever to keep in mind. At the same time His Highness' Government feel that Federation on the right lines is inevitable and essential. Without Federation some of the great problems of India cannot be faced; because *vis-a-vis* the rest of the world India has certain characteristic problems *sui generis* in nature. Its economic planning, and its industrial advancement, demand that the Indian States and British India stand together and work in close collaboration.

The task of reconciliation, of reorientation of ideals, of making it possible for all these entities to come together without jeopardizing their respective interests is a matter engaging the earnest, and anxious attention of His Highness' Government. When the time comes the public of this country and the Legislatures of this country will be given fuller details and the chance afforded for the expression of various points of view. Federation, it may be remarked in passing, under Section 5 of the Government of India Act is a Federation of Indian States and the Indian Provinces. Eleven selfgoverning provinces have to enter into a Federation with 600 and odd Indian States. Of the eleven self-governing provinces of the future if one can dogmatize from what has been happening within the last few days, the majority of the provinces will be under the guidance and direction of a very well organised body of politicians who have expressed fairly definite views regarding the Indian States, who think that the Indian States form a sort of fifth wheel in the coach and that the coach will run very well without the fifth wheel, and who have announced their intention to see that the Government of India Act is not implemented, and in any case that Federation does not emerge into being. It will be the task of the statesmen who preside over the destinies of the British Empire and it will

be the task of that eminent statesman who is at the head of the Indian Government today, and whose most conscientious desire to help India is beyond controversy to see to it that these difficult problems are grappled with and solved and that we are not unwelcome guests in a banquet that we are not gate crashers-an expression which has recently come into vogue to describe people joining in a function without invitation (*Laughter*)—but that British India and Indian India in a spirit of real comradeship, in a spirit of real give and take enter into a political compact, tending to the glory of both the component parts, to the maintenance of the self-respect of both parties, tending to the enhancement of the feeling that all India is one, tending at the same time to the preservation of the feeling that each of these State has an independent, equal and honouable part to play in the Federation of the future. This is the problem to be solved. We shall all watch that solution with the greatest possible anxiety and interest as well as with the greatest possible hope. This generation has a peculiarly heavy and difficult task before it. In the discharge of that task, the present Legislature of Travancore has played a worthy part, and the future Legislature, I doubt not, will also play a great part.

Ladies and Gentlemen, I wish you all prosperity and wish you Godspeed.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): The House is extremely thankful to you for the very kind sentiment you have expressed regarding its work during the last four years. This praise, coming as it does from a statesman of the Empire, will be encouraging not only to us but also to those members of the Legislature who will win their seats in the next election, or get nominated as the case may be. At the time when this House was first inaugurated, His Highness the Gracious Maharaja was pleased to issue a message wherein it is stated thus :—

> " These two legislative bodies have been designed to carry forward the policy initiated by my illustrious predecessors of enabling the people of the State to take part in the legislative, financial, and other measures concerning Travancore and to bring to the notice of my Government the needs and aspirations of the people. Very large powers of legislation, financial scrutiny and interpellation have been vested in them and I hope and trust that, in a spirit of mutual co-operation and good feeling, these powers will be exercised for the good of Travancore and in such manner as to help Travancore to take an adequate and honourable part in achieving the destiny of India."

I think, Sir, these hopes have been fulfilled. Travancoreans can congratulate themselves that those sentiments expressed by the great patriotic Maharaja have been justified in considerable measure by the work which the Legislative Chambers have been privileged to do.

I may say, Sir, that the sentiments graciously expressed by His Highness *viz.*,

> "I am glad to inform you that the constitutional experiment that has been started in Travancore is being watched with sympathy and interest by many outside the State as is evident from the speech recently made by the Rt. Hon'ble the Secretary of State for India and I am confident that with the co-operation of all the members and the valued friendship of the Paramount Power and of His Majesty's representative in India the State will play its appropriate role in the India of the future".

[Sadasya Tilaka T. K. Velu Pillai.]

It will be the endeavour of all the subjects of His Highness to remember these words, these eloquent, these beautiful, these patriotic sentiments in every one of their actions.

Sir, as you have been pleased to point out, this House has done a good deal of business. I am now talking from my seat as a member not forgetting the fact that it was my privilege to occupy the Chair for the greater portion of the time. I have worked with three Presidents in succession. I have had nothing but amicable relationships with them all. Particularly to you, Sir, it is my duty, my sacred duty to express that the telegram you sent, congratulating me on my election as Deputy President, the day you returned from England to Bombay was to me an encouraging inspiration, a benediction, and a blessing. I do not want to say more than this with regard to the encouragement I have been receiving from you as President of this House. Your advice is valuable to all of us. On this occasion I wish to pay a tribute to the honourable members of this House, both non-official and official, for the very great assistance that they have given me, and to congratulate them upon their excellent good sense and kindliness of spirit, for their readiness for team work, which have been manifested in this House. The Chair would have been unable to do its duty properly but for the help given by all the enlightened members of this House. The Chair should be a combination of firmness and conciliation. That was possible because the honourable members of this House respected the law and the rules and the conventions in such a degree that the work of the Chair has been nothing but smooth sailing. I am quite sure that anybody from outside, or from inside, who goes through the reports of the proceedings of this House will feel happy that, in Travancore, where the experiment of representative Government was begun much earlier than in other States, the people are quite fit for these privileges I consider it my duty to thank the honourable members of this House, all of them, jointly and severally, for showing such friendly consideration to me. I wish to pay them this tribute that the work done has been creditable whether it is from the point of view of liberal policy or eloquent or forcible language, or a spirit of courtesy or a spirt of give and take. I have been doing my duty whatever may be its worth, in perfect good faith.

If at any time there has been any sternness, I am quite sure, my friends would excuse me for that. So far as I can remember, I have not been unnecessarily stiff. My friends sent me to my office of Deputy President with a large majority. I had no occasion to thank them at that time. Now I thank them. I have been doing my duty to my satisfaction, because I had always with me three assets, firstly my faith in God, secondly my fervent loyalty to my Gracious Sovereign and thirdly a spirit of obedience to my conscience. I thank the honourable members of this House once again.

MR. K. C. ABRAHAM (*Kottayam II*): Sir, I wish to add my own quota of acknowledgment on behalf of this Assembly. This Assembly which forms a greater part of the newly inaugurated constitution has been a part of the most momentous reform since the accession of His Highness the Maharaja to the throne. I need hardly say that this aspect of the constitution or reform will be gratefully acknowledged and remembered by His devoted subjects. Sir, this Assembly was formed, as I am well aware, and constituted, under certain exceptional circumstances. It was first presided over by Mr. T. Austin and subsequent to him, it passed through the persuasive hands of Sir Mohammad Habibullah, who was always so tactful as to keep the House in good humour; and then, Sir, to you, whose handiwork the whole scheme of constitution is, it came down and under your fostering care it has, I believe, grown from strength to strength. Your courteous and generous acknowledgment and your aptitude to be sympathetic to the aspirations and points of view of the non-official members have always evoked in us a genuine admiration for your statesmanship which hardly needs applause at my hands. Now that the Assembly is waning to a close, I wish to place on record our grateful remembrance of your work in connection with the constitution and also of your guiding hand in the final stages of its career for the betterment of the ideals and ideas of this country.

I also wish to place on record our appreciation of the work that has been done by the Deputy President when he was guiding this House. Of course, in spite of all that the Deputy President has been good enough to say, I may mention that we have very gratefully acknowledged his sincere and suave manners in putting us all in good cheer. Acknowledgment is also due to the leader of this House, the Chief Secretary, who has always been sympathetic and has always furnished us with all necessary and available information. I also wish to particularly mention the Law Member of the House, who with his clarity and logical precision, and to a certain extent his stern adherence to certain broad points of view, has been leading us all in legislative business. I do not wish to elaborate. But, I wish to place on record the fact that we appreciate the services of the Assembly staff.

I thank you, Sir, for giving us this opportunity to express our feelings.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Sir, the time of parting is a painful one. We are almost reaching the closing stages of this Assembly. Today is the last day of the ninth Session of the first Assembly. We may or may not meet again, as we are now constituted. Whatever it is, at this time, when we are reaching the closing stages of our labours, I wish to express a few words of appreciation of those hon'ble gentlemen under whom we had the privilege to transact the business of this House.

At the very outset, Sir, I may be permitted to refer to the gracious message of His Highness the Maharaja, a message of hope and reassurance, cabled out to us from London, a message which was read to

[Mr. Pacode A. Narayana Pillai.]

us in this very House, on the inauguration day by the then Dewan Mr. T. Austin. That message is still ringing in our ears and we have been trying our level best to come up to the standard held out to us by His Gracious Highness in that memorable message.

Next, Sir, I refer to those hon'ble gentlemen who are privileged to preside over the deliberations of this Assembly. First, Mr. T Austin, a Senior Officer of the Indian Civil Service, an Englishman with an innate sense of justice was for a very long time guiding the deliberations of this House and safeguarding the privileges and liberties of the House. Next, we were fortunate to have Nawab Sir Mohammed Habibullah, an experienced British Indian Statesman with humility, experience and suavity of manners and he has for a pretty long time benefitting us with the riches gathered during his long experience. Lastly, I am glad to refer to the fact that towards the closing stages of the sessions of this House, we were particularly fortunate in having a President in you, Sir, who is rightly styled a shining ornament in the new British Indian liberalism and a keen fighter on the popular front in British Indian politics. When such a personage is presiding over this House, and is guiding the destinies of this House we have had no occasion to feel any misconception whatsoever, regarding our freedom and liberties and privileges. You have assiduously safeguarded our privileges at all times.

Lastly, I have to refer to the fact that, in our elected Deputy President, we had a gentleman who was, I may be permitted to put it so, the Advocate General of this House, always holding the scale even between the two sections of this House, the Government and the non-official Benches. There was no occasion when we had to feel any fear, whatsoever, with regard to our privileges, when he was presiding over the House. At the same time, merely because he was a non-official elected Deputy President, he was not always upholding our cause. Whenever he found that the Government cause was the right cause, he boldly upheld that cause also. He has well and truly made a tradition which, we hope, his successors in office will carry on in the years to come.

Sir, I have nothing more to add except to pray, not only on my behalf but also on behalf of my colleagues, the members of the Independent Party, for the long life of His Gracious Highness the Maharaja and for your long life and prosperity and also for a prosperous and useful career for this House.

MR. S. J. NAIR (*Nedumangad*): Sir, we thank you and the Deputy President for the encouraging words with which you have referred to our work as members of this House. As a member of the Liberal Party—a party whose chief aim and principle has been one of responsive co-operation with the Government, co-operation in all ideas and actions (of Government) that would contribute to the vital and national interest of the State, and opposition to all actions that would retard the progress of the State and the happiness of the people—I beg

to convey my thanks to the Chair and to the Official Members. In this connection, I beg to submit that, personally as a member of this House, I have "stood for the cause that lacked assistance and for the cause that needed resistance."

Sir, we are at the close of this Session of the Assembly. The constitution of this Assembly is the result of the noble contribution and blessing of His Gracious Highness the Maharaja whose one and only aim is the promotion of the good and happiness of the people of the State. May His Highness live long and reign gloriously, is the fervent prayer of all Travancoreans irrespective of caste, creed or colour.

The first Session of this Assembly met under the black political cloud of misunderstanding that was the result of unhappy communal rivalry in the State. Now the Session closes in the bright and happy sunshine of communal amity and concord on all sides. Sir, we are proud and happy to go out of the Assembly Hall today as loyal subjects of His Highness the Maharaja, as those who have kept the oath that we took when we entered upon the duties as members of this Assembly, and in the satisfaction that we have rendered our duty to our Sovereign and to the State. Sir, we go out of the Hall to our respective constituencies to preach to our electorate good will to all and glory to the State and to the Ruler.

Sir, I am glad to proclaim at the top of my voice that the successive Presidents of the Assembly including yourself, and the Deputy President who has been doing the bulk of the work have attempted and succeeded in safeguarding the honour and prestige of this House and we the members, on our part, have discharged our duty to the best of our ability. The redeeming feature of this Assembly is that not a single occasion arose for the Chair to resort to any of the disciplinary action against the conduct of any member. This speaks well of the Chair and of the members. Sir, yourself, your predecessors, Messrs. T. Austin, Nawab Sir Mohammed Habibullah, and Sadasyatilaka T. K. Velu Pillai, the Deputy President, have all been uniformly kind and courteous to us all, and we thank you all heartily and sincerely for that.

Sir, one word with reference to the Assembly Secretary and the staff who have been helping us, serving the Government and promoting the conduct of the business of the House. The first Assembly Secretary Mr. Madhava Kurup has rightly and justly been promoted as Secretary to Government. He has been the embodiment of kindness and courtesy to us all. He was friend and philosopher to us. We are equally fortunate to have Mr. Paramesvaran Pillai as his successor. He is always cheerful and ready to oblige us. Same is the case with regard to the reporting and clerical staff of the Assembly. All of them deserve *our* thanks, and encouragement at the hands of the Government for the hard and honest work they have been doing.

Last, but not least, is the help and advice that the official members have rendered to us all. All of them have been kind and good to us. If any one of us, nay myself, had occasion to be hard in any

[Mr. S. J. Nair.]

criticism towards any one of them I take this opportunity to assure them that it was not the result of malice or personal ill-will against any one of them, but it was due to the anxiety to serve the people of the State. I love all, and hate none.

In conclusion, Sir, with your blessings, I—nay we—shall try to come back. May God bless you and our Sovereign with long life, health and glory.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, on behalf of the members of the Nationalist party, I may be permitted to speak a few words. The Liberals, the Independents, the Nationalists and the Non-Party Members, have all, though their names are different, but one object in view. That object is to help the Government of His Highness the Maharaja so to administer the State as to achieve the best results. In classifying ourselves as members of different parties, it was none of our object, Sir, to stand in opposition to Government. It has always been our attempt and our aim to help the Government wherever it was possible, and wherever it was consistent with the principles we were standing for. If, on any occasion, we were put to the necessity of opposing Government or of adversely criticising the activities of the Government, I may assure you that we were actuated by the best of motives. We have been brought into being, as observed by some honourable member, under a storm. We are glad to note that the atmosphere has considerably cleared now. We cannot ascribe this atmosphere to any one except yourself. We hope that our successors in this House will adopt the same policy, and would be guided by the same principle, as ours, namely that of helping Government in discharging its onerous duties and responsibilities. It may be the lot of many of us to be returned to this House and to partake in its deliberations. But those who may not have the good fortune to take part in the deliberations of this House will, I am sure, find no occasion to regret. They have done their best, and they have done their utmost. Every one has been actuated by the best of motives.

In regard to the deliberations of this House, there is one thing which I would like to observe. After you became the Dewan-President of this Assembly, your presence in the House and the reputation you have, have inculcated a spirit of good sense and responsibility in all of us. We have been able to take part in the deliberations of this House with a spirit which was novel and new to many of us. By your constant presence in the House you have inculcated in the minds of the members the gravity and importance of the duties that devolved upon them.

A word, in regard to the official members of this House, is also due to them. I have systematically found them to be courteous to the non-official members. They have never taken offence at the freedom with which we have expressed our thoughts. They have always tried to promote a feeling of amity and concord between the official and the non-official Benches.

The first responsible post that has fallen to our lot is that of the Deputy President. Ever since the Assembly was put on a popular basis, the first opportunity given to us to elect our Deputy President was given to us. I fully trust that we have exercised our right in the best manner possible. We thank our Deputy President for the very able manner in which he has been guiding this House.

It is only in the fitness of things that we should say a word about the official reporters, but for whose existence our proceedings would not have been properly reported and published. To the Secretaries also, our thanks are due. I have always found them to be of help. They have listened to our demands and acceded to our requests. We have nothing to blame but everything to praise. The deliberations of the Assembly recorded with the help of such an efficient staff cannot but make their mark in any deliberative body. Sir, the period for which we have been elected to this House is practically over. We have nothing more to say. I thank the President and the official members of this House for the cordiality with which they have been treating us.

SRIMATI T. NARAYANI AMMA (*Nominated*): Sir, this being the last meeting of the First Assembly constituted under the new Regulation, I feel it my duty to express on my own behalf and on behalf of my sister here, our sincere thanks to you Sir, and to the Deputy President, for the consideration and courtesy shown to us, the lady members of this House. Though we feel that we have not been able to make any effective contribution to the discussions held on the floor of this House, we can assure you Sir, that our interest in the proceedings has been unflagging. We have indeed learnt much. We have always been treated with courtesy and consideration not only by the President and the Deputy President but also by the Law Member and the other officials. Speaking for myself I am deeply grateful to all of them for the encouragement I have received in regard to the two Bills I have had the privilege to introduce in this House, one of them being passed yesterday. I feel that this is an encouragement extended to the womanhood of Travancore. May it be possible with this encouragement, for more women to become members of this House in future, not only by nomination but also by election. Sir, I thank you once again. May I be permitted to add that under your distinguished Presidentship, there have been set up healthy conventions which are bound to add to the usefulness and the dignity of this House. I thank you, Sir the Deputy President, and all the other members of this House.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Sir, I have great pleasure in associating myself with the sentiments that have just been expressed by several members of this House. It is so difficult for us to believe that you have been here as Dewan in our midst only for a short time. Every hour of your life after you became Dewan has been crowded with great, epoch-making activities. You have been of great service to Travancore in several spheres. Your work as President of this Assembly is only one phase of such all-Travancore activities.

[Rao Sahib Mahakavi S. Paramesvara Aiyar.]

The words of wisdom that have fallen from your lips this evening will, I am sure, sink deep down into the heart of every Travancorean, make him forget his difference with others, and be an inspiration to him to build a rejuvenated and virile Travancore for the future.

As for the Deputy President, who is an old and valued friend of mine, his work has been extremely praise-worthy. He said that he had three assets which helped him in the discharge of his duties. He forgot to mention a fourth asset, which is his pre-eminent trait, *viz.*, his transparent sincerity, which disarms opposition, inspires confidence and enlists affection. With that he has been able to guide the delibera-tions of this House with tact and firmness.

A word of praise is also due to the Secretaries of the Assembly, Mr. Madhava Kurup and Mr. Paramesvaran Pillai. Both of them worked under me for several years; and I had something to do with their training. It is a very great pleasure to me to place on record my great appreciation of the valuable work done by them. The staff under them, including the shorthand reporters, have also done their duty to our entire satisfaction; and to all of them our thanks are due in no small measure.

MR. G. NILAKANTAN (*Nominated*): Sir, in associating myself with what has been said by the previous speakers I wish to make a few observations on this parting occasion. In bidding farewell to the Assembly my feelings are those of a grateful son taking leave of his benign mother who has nurtured him into manhood, in an atmosphere in which the pick of the land, forgetting all communal promptings felt, spoke and acted in the best interest of the country of their birth. She has afforded opportunities to members of all communities, to whom the privilege of taking part in the activities of the higher fields of politics had been denied, to feel that, with necessary knowledge and training they could also contribute their mite towards the advancement of their country. Was not, Sir, the denial of such opportunities hitherto tantamount to suppression of their legitimate aspirations? Thanks to the wisdom, foresight and beneficiencies of His Highness the Maharaja and of you, His great constitutional advisor, all social, political and religious obstacles that warped the social soul of the country for centuries have been swept away both by the legislative reforms of 1108 and by the soul stirring Temple Entry Proclamation.

It is now half a century since the institution of the Legislative Council was brought into existence in this country; yet it is the Legislative Reforms of 1108, that, for the first time, enabled the Legislature of our country to enjoy in a real measure the principles of democracy, in its deliberations and administrative functions, and was open to the entry of the representatives of the backward and depressed communities through a sympathetic system of nomination.

The criticisms to which the conduct and measures of Government officials were subjected to their conciliatory attitude to win the approbation of the non-officials to their views and measures exhibiting the

rising tide of democratic strength, the exchange of sallies of wit and humour, the lucid and ever ready replies of the Law member, the strong and convincing advocacy by the Leader of the House of Government causes, eloquence, debating powers, and legal love of some of the members, the long and conciliatory rulings of the Deputy President and the alert and brilliant manner in which the President was conducting the proceedings of the House and his radiating sweetness of manner which nothing could disturb, these, I say as a source of lesson and inspiration, are a precious heritage to the rising generation and will be things of pleasant and abiding memory to every member of the House and particularly to those who may not have the opportunity to be returned to the Assembly. For these boons may the Giver of all the good, grant His Highness long life and prosperity, and to His noble minister long life and abundant health to help his Sovereign Master in guiding the destinies of our great country.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): I fully endorse all that has been said by the various speakers. I have great pleasure in expressing my heart-felt thanks to you, Sir, for the uniform courtesy you have shown, for maintaining the diginity and honour of this House and for the Deputy President for the ability with which he has been guiding the deliberations of this House. The official members were kind enough to furnish all information required by us and our thanks are due to them also.

PRESIDENT: It is my duty now to adjourn this House. But before I do so, let me thank you most sincerely for the kindly sentiments to which you have given expression. This House will now adjourn *sine die*.

The House adjourned *sine die* at 5-10 P. M..

P. PARAMESVARAN PILLAI,

Secretary to the Sri Mulam Assembly.

Annexure.

THE TRAVANCORE AGRICULTURISTS' RELIEF BILL.

(As settled by the Sri Mulam Assembly).

A REGULATION TO MAKE CERTAIN PROVISIONS IN RELIEF OF AGRICULTURAL INDEBTEDNESS.

Preamble.

Whereas it is expedient to make certain provisions in relief of agricultural indebtedness; It is hereby enacted as follows :

PART I.

PRELIMINARY.

Short title and commencement.

1. (*a*) This Regulation may be called "The Travancore Agriculturists' Relief Regulation"

(*b*) It shall come into force at once.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,

(*a*) 'Agriculturist' means a person

(i) who earns his livelihood mainly by agriculture and also is either an owner or a tenant of agricultural land in Travancore or a servant of such owner or tenant, or

(ii) who earns his livelihood as a village menial paid in cash or in kind for work connected with agriculture ;

and every junior member who as such becomes jointly liable with the *Karanavan* or manager who is an agriculturist for the purpose of making the debt incurred binding on the *tarwad* or joint Hindu family shall for the purposes of such debt be deemed to be an agriculturist under this Regulation even though he may otherwise be a non-agriculturist.

Explanation.—A person shall not be deemed to be a non-agriculturist for the mere reason that he does not cultivate his lands himself or lives on rent or follows some other calling in life.

Exception.—Juristic persons, such as *e. g.* Joint Stock Companies and Devaswoms holding land shall not be deemed to be agriculturists for the purpose of this Regulation.

(*b*) Agriculture includes horticulture and the use of land for any purpose of husbandry inclusive of the keeping or breeding of live-stock, poultry or bees and sericulture and the growing of fruits, vegetables and the like.

(*c*) 'Board' means a Debt Conciliation Board established under the provisions of this Regulation.

(*d*) 'Creditor' means a person to whom debt is owing.

(*e*) 'Debt' means any liability of an agriculturist, due in cash or in kind, secured or unsecured, payable under a decree or order of a Civil Court or otherwise, and whether mature or not, but shall not include—

(i) any debt or other liability due to Our Government, or

(ii) any land revenue or anything recoverable as an arrear of land revenue, or

(iii) any amount for the recovery of which a suit or application is barred by the Law of Limitation for the time being in force, or

(iv) except for purposes of Part II of this Regulation

(*i*) any debt incurred for purposes of trade, or

(*ii*) any debt due to a Co-operative Society, or

(*iii*) any debt arising out of any transaction of the nature of a lease including a *kanapattom* transaction falling within the purview of the Travancore Jenmi and Kudiyan Regulation of 1071.

(*f*) 'Debtor' means an agriculturist by whom a debt is owing.

(*g*) 'Prescribed' means prescribed by rules made by Our Government under this Regulation.

PART II.

Debt Conciliation.

Setting up of Debt Conciliation Boards.

3. (1) (*a*) Our Government may, for the purpose of amicable settlement between debtors and their creditors and among the creditors *inter se*, if there be more than one creditor of the same debtor, (hereinafter called conciliation) establish Debt Conciliation Boards.

(*b*) Our Government shall define the local limits of the area in which a Board shall have jurisdiction.

Provided that the jurisdiction of the Boards established under Section 3 sub-clause (1) (*a*) shall be so defined and adjusted as to include the whole State.

(*c*) Our Government may determine the pecuniary jurisdiction of any Board.

(*d*) The Board shall consist of only one member (hereinafter called Conciliation Officer) who is either an officer or is appointed as an officer in the service of Our Government.

(2) Our Government may cancel the appointment of any Conciliation Officer or dissolve any Board.

(3) (*a*) Our Government shall notify in Our Government Gazette the establishment of a Board and the appointment of the Conciliation Officer, and the Board shall be deemed to have been established and the Conciliation Officer appointed from the date specified in such notification.

(*b*) Our Government shall notify in Our Government Gazette the cancellation of the appointment of any Conciliation Officer.

(*c*) Our Government shall notify in Our Government Gazette the dissolution of a Board; and, from the date specified in such notification, the Board shall cease to exist.

(4) Where a Board is dissolved or otherwise ceases to exist, Our Government may at any time establish another Board for the area for which the former Board was established and may declare the Board

newly established to be the successor in office of the Board which has ceased to exist, and such Board shall exercise all the powers under this Regulation.

Application for conciliation.

4. (1) A debtor may make an application for conciliation to the Board established for the area within which he ordinarily resides or, if no Board has been established for that area, to the Board established for any area in which he holds immovable property, but he shall not apply to more than one Board.

(2) Unless the debtor has already make an application under sub-section (1), any of his creditors may make an application to a Board to which the debtor might have applied under that sub-section.

(3) If applications for conciliation in respect of the same debtor are made to more than one Board, such applications shall, in accordance with rules made by Our Government under this Regulation, be transferred to, and dealt with by, one Board as one single application.

(4) No application shall be made under sub-clause (1) or sub-clause (2) unless the application includes a debt in existence on the date of the commencement of this Regulation.

Manner of application

5. Every application to the Board shall be in writing and be signed by the applicant and verified in the manner prescribed by the Code of Civil Procedure, 1100, for signing and verifying plaints.

Particulars to be stated in application.

6. (1) Every application presented by a debtor to a Board shall contain the following particulars, namely:—

(*a*) the place where he resides and the place or places where he holds immovable property;

(*b*) the amount and other particulars of all claims against him together with the name, address and residence of his creditors;

(*c*) the amount and other particulars of all his property, including claims due to him, together with a specification of the value of such property not consisting of money, and the place or places at which any such property is to be found and details of any mortgage, lien or charge subsisting thereon;

(*d*) a statement that he wants an amicable settlement of his debts; and

(*e*) other particulars, if so prescribed.

(2) Every application presented by a creditor shall contain the following particulars, namely:

(*a*) the place where the debtor resides or holds immovable property;

(*b*) the amount and other particulars of his claim against such debtor;

(*c*) a statement that the debtor is unable to pay his debts or that he (the creditor) wants an amicable settlement of the debts due to him; and

(*d*) other particulars, if so prescribed.

7. (1) On receipt of an application under Section 4, the Board shall pass an order fixing a date and place for hearing the application.

Procedure on receipt of application.

(2) Notice of the order under sub-section (1) shall be sent by registered Anchal or Post acknowledgment due as well as in such other manner, if so prescribed, to the debtor and creditors.

(3) If the application is filed by a creditor, the debtor on his appearance shall furnish the particulars mentioned in sub-section (1) of Section 6, and notice shall be sent to all creditors specified by him.

8. If, after examining the debtor, it is, in the opinion of the Board, desirable to effect a conciliation, the Board shall issue, and serve or publish, in the manner prescribed, a notice calling upon every creditor of the debtor to submit a statement of debts owed to such creditor by the debtor. Such statement shall be in writing and shall be signed and verified in the manner prescribed by the Code of Civil Procedure, 1100, for signing and verifying claims and shall be submitted to the Board within one month from the date of service or publication of the notice as the case may be:

Notice calling upon creditors to submit statement of debts.

Provided that, if the Board is satisfied that any creditor was, for good and sufficient cause, unable to comply with such directions in due time, it may extend the period for the submission of his statement of the debts owed to him.

9. (1) Every creditor filing in compliance with a notice issued under Section 8 a statement of the debts owed to him shall furnish, along with such statement, full particulars of all such debts, and shall at the same time produce all documents, including entries in books of account, on which he relies to support his claims, together with a true copy of every such document:

Procedure on submission of statement of debts.

Provided that the Board may exempt for sufficient reasons any creditor from producing any such documents.

(2) The Board shall, if so desired by the creditor, after marking, for the purpose of identification, every original document so produced and verifying the correctness of the copy, retain the copy and return the original to the creditor.

10. (1) The Board shall call upon the debtor and each creditor to explain his case regarding each debt.

(2) If there is a dispute as to the existence or quantum of the debt due to any creditor or the assets of any debtor, the Board may decide the matter after taking such evidence as is adduced by all the parties concerned, and such decision shall be binding on all parties in all proceedings before the Board:

Board to attempt conciliation.

Provided that a decree of a Civil Court relating to a debt shall be conclusive evidence as to the existence and amount of the debt.

(3) The Board shall prepare a complete schedule of the creditors and the assets and liabilities of the debtor.

Power of Board to take evidence.

11. (1) Subject to rules, if any, made by Our Government under this Regulation, a Board may exercise all such powers connected with the summoning and examining of parties and witnesses and with the production of documents as are conferred on a Civil Court by the Code of Civil Procedure, 1100.

(2) Any person present may be required by a Board to furnish any information or to produce any document then and there in his possession or power.

(3) Every proceeding before the Board shall be deemed to be a judicial proceeding.

Conciliation between debtor and creditor and creditors *inter se.*

12. It shall be the function of the Board to propose and make a conciliation of all the debts, (including a settlement as to the manner of fully discharging the debts) as between the debtor on the one hand and the creditor or creditors on the other, and as among the creditors *inter se*, if there are more creditors than one.

Matters to be considered in conciliation.

13. In proposing and making the conciliation, the Board may take into consideration the following *inter alia*, namely:—

(*a*) the equities of the debt transactions concerned,

(*b*) the amount of each of the debts,

(*c*) the amount of interest already paid, particularly after the commencement of the year 1105 M. E.

(*d*) the amount of the interest that has been allowed to accumulate,

(*e*) the duration of the transaction,

(*f*) the character of the debt, as for example, whether it is secured or unsecured, and the purpose of the debt,

(*g*) the ability of the debtor to pay,

(*h*) the availability of assets out of which the debts may be realised,

(*i*) the occupation, needs and other economic conditions of the creditor,

(*j*) the needs of the debtor and the necessity for leaving, as far as possible, a margin of property for the debtor's subsistence.

When transactions may be re-opened.

14. If, in the opinion of the Board, there are reasonable grounds to suspect inequity in any transaction, such as, for example, that it is tainted by fraud, misrepresentation, undue influence, coercion, mistake of fact, or collusion, the Board shall, in proposing and making the conciliation, go into the history of the transaction and may, in view of such history, reduce or disallow interest or even scale down the principal.

Explanation.—Nothing in this Section is intended to prohibit any disallowance of any claim on the ground that the transaction concerned is vitiated by fraud, misrepresentation, undue influence, coercion, mistake of fact or collusion and is therefore invalid in law.

Methods of conciliation.

15. (1) The manner of the conciliation shall be in the discretion of the Board and may, for example, be as follows:

(*a*) that the debtor pay the creditor or creditors forthwith, or within a time to be fixed by the Board, a lump sum in cash in full settlement of all the debts, the amount of such lump sum being fixed by the Board having regard to the facts enumerated in Section 18 and to the amount which the debtor may raise by mortgaging his entire properties to the State Land Mortgage Bank or to some such recognised institution, or

(*b*) that a portion, say one-fourth of the assets of the debtor be left to the debtor free from all liability for his debts and the balance left to the creditor or creditors to be appropriated by them or to be sold and the sale proceeds distributed amongst them, it being also laid down how the property, or the sale proceeds, as the case may be, shall be distributed amongst the creditors, if there are more creditors than one, or

(*c*) that the debtor pay either the entire amount of the debts, or a reduced amount in full settlement in instalments spread over a number of years to be fixed by the Board, the debtor giving security for the due payment of the instalments and it being provided that, if any instalment is defaulted, such instalment and interest thereon alone be recovered, but that, if three consecutive instalments are defaulted, the entire amount remaining due be recovered:

Provided that under no circumstances any reduction shall be made with respect to debts incurred after the date of this Regulation except with the consent of the creditor.

(2) In any scheme of conciliation, such properties as are exempt from attachment under the Code of Civil Procedure, 1100, shall not be taken into account and shall be left to the debtor free from liability for his debts.

Conciliation agreement.

16. (1) If the debtor and the creditor or the creditors appearing before the Board agree to the conciliation proposed by the Board, it shall be reduced to writing in the form of an agreement and shall be signed by the debtor and the creditor or creditors and shall also be signed or otherwise authenticated by the Board. Such agreement shall, subject to the rules, if any, made by Our Government, be registered according to the law relating to the registration of documents for the time being in force and filed in the court of the District Munsiff having jurisdiction over the area in which the debtor ordinarily resides and shall have the force of a decree passed by such court in a suit in which the persons who have so signed the agreement or are deemed

under the provision of this Regulation to have so signed are parties and shall be capable of being put in execution as if it were a decree of such court.

(2) Notwithstanding anything contained in sub-section (1), the Board may, by a notice in writing and in the form prescribed, intimate to any person affected by any conciliation proposed by the Board or agreed to by the debtor and the creditor or creditors who have appeared before the Board, the particulars of such conciliation and call upon him to state within a time specified in the notice whether he agrees to the conciliation and is prepared to sign the conciliation agreement. If, in response to any such notice, any person, whether a debtor or creditor, does not, within the time specified in the notice or within such further time as the Board may grant, express to the Board his disagreement with the conciliation, he may, if so ordered by the Board, be deemed to have agreed to the conciliation and signed the agreement within the intent of sub-section (1) and the Board shall endorse or state in the agreement that it is deemed to have been signed by such person also:

Provided that, if it is proved to the satisfaction of the Civil Court whenever the question arises before such court that the notice was not properly served on such person or if it is proved that, though the notice was properly served on him, he was prevented by sufficient cause from not expressing his views to the Board, the agreement shall not have effect as a decree so far as he is concerned.

(8) For the purpose of the registration of the agreement under sub-section (1), the Board shall be deemed to be an Officer of Our Government empowered to execute such agreement within the meaning of Section 82 of the Travancore Registration Regulation, 1087.

Certificate on failure of conciliation.

17. (1) If all the parties appearing before the Board, do not agree to the conciliation proposed by the Board, the Board may for reasons to be recorded in writing reject the application for conciliation or may record a certificate setting forth the attempts made by the Board to bring the parties to agreement, the various methods of conciliation suggested to them, the attitude of each of the parties in regard to such methods and what, in the opinion of the Board, would be a most satisfactory manner of settlement between the debtor and the creditors and what amount, in the opinion of the Board, would, having regard to all the circumstances, be a fair amount for the creditor or creditors to accept and the debtor to offer if the debtor were prepared to pay forthwith in cash in full settlement of all the debts.

(2) The Board may record a like certificate even as regards parties who have not appeared before the Board, or not taken part in the inquiry before the Board, if the Board is satisfied that it can come to a reasonable conclusion as to what will be a fair settlement in the case of such parties also.

(9) The Board shall send such certificate to the Court of the District Munsiff having jurisdiction over the place where the debtor ordinarily resides for being filed in that court.

18. Upon the certificate being filed or a copy of it being produced it shall be open to the creditor or any of the creditors to apply to the Court to call upon the debtor to deposit in court the amount mentioned in the certificate as the fair amount for settlement by cash payment. Upon such application being made, the court shall order the debtor to make the deposit within such time as it may think reasonable not exceeding, in any case, three months from the date of the order to make the deposit. The deposit so made in such time shall be deemed to be in full settlement of such claims of the creditor as are dealt with in the certificates.

Deposit of debts upon certificate.

Explanation.—The deposit so made shall not be liable to be proceeded against for the claims of any other person against the debtor.

19. If, in respect of any debt covered by the certificate of the Board, the creditor institutes a suit or makes an application (not being an application under Section 18) in any Civil Court, such Court, having regard to the certificate and the conduct of the parties in connection therewith, may, in its discretion, disallow in whole or in part the costs of the suit or of the application, as the case may be, and may also, in its discretion, reduce the amount of the interest remaining due for the period from and after 1st Chingom 1105 up to the date of the decree or order on the application, as the case may be, by reducing the rate of the interest to any rate which is not less than either one-half of the stipulated rate or four per cent. per annum whichever is higher.

Power to disallow costs and future interest if certificate not accepted.

20. An application under Section 4 may be dismissed by the Board at any stage of the proceedings—

Dismissal of application.

(*a*) if, in the opinion of the Board, the applicant fails to pursue his application with due diligence :

Provided that, when such applicant is a creditor, the Board, instead of dismissing such application, may substitute the debtor or any other creditor, who shall thereafter be deemed to be the applicant for the purposes of this Regulation ; or

(*b*) if, for reasons to be stated in writing, the Board considers it not desirable or practicable to effect a conciliation ; or

(*c*) if the application includes a claim which, in the opinion of the Board, is collusive and intended to defraud any creditor.

21. If once an application has been made by any person under Section 4 and disposed of, no Board shall entertain an application from any person in respect of the same debtor within two years from the date of the disposal of the first application.

Bar to successive applications.

22. If, in compliance with a notice under Section 8 proved to have been served on him, a creditor does not duly furnish the statement of the debts owed to him, any conciliation agreement effected under Section 16 specifically providing for the debts owed to such creditor, shall have effect, as regards such creditor also, exactly as if he had appeared and agreed to the conciliation and signed the conciliation agreement :

Consequence of refusal to submit statement of debts to Board.

Provided that, if the creditor proves to the satisfaction of the Board wherever the question arises before the Board, or to the satisfaction of the Court, wherever the question arises before a Civil Court, that he had sufficient cause for not furnishing the statement, the Board or the Court, as the case may be, may proceed as if no conciliation agreement had been entered into in regard to the debts owed to him.

23. No appeal or application for revision shall lie to any Court against any order passed by the Board.

Bar of appeal and revision.

24. The decision by a Board that a person is or is not an agriculturist shall be conclusive for all the purposes of the Board and for the purposes of all proceedings arising out of any conciliation or certificate recorded by the Board.

Decision of Board as to status of agriculturist how far conclusive.

Explanation.—If for any other purpose the question arises before any court of law whether a person is or not an agriculturist, the Court shall decide the question for itself and such decision shall be liable to be appealed against as a decree of the Court.

25. A Board may on the application of any person interested review any order passed by it (not being a certificate recorded by the Board under Section 17) and pass such order as it thinks fit:

Power of Board to review,

Provided that it shall not under this Section pass an order reversing or modifying any order affecting any person interested without giving such person an opportunity of being heard :

Provided, further, that no application for review shall be entertained if presented more than three months from the date on which the applicant came to know of the order after the date of the order which the person interested seeks to have reviwed.

26. No Civil Court shall—

Bar of civil suits.

(*a*) question the validity of any procedure of a Board, or

(*b*) entertain a suit by any person to recover any amount due under, or any debt covered by, a conciliation agreement binding on him.

Explanation.—Nothing in this Section is intended to affect the right contemplated in the proviso to sub-section (2) of Section 16 or in the proviso to Section 22.

27. In any proceedings before a Board, any party may be represented by an agent authorised in writing or by a legal practitioner.

Appearance before Board by agent or legal practitioner.

28. Except for special reasons to be recorded in writing, no court of law shall entertain, or allow to be prosecuted, any suit, application for the execution of a decree or other proceedings for the recovery of any debt for the settlement of which an application is pending before a Board.

Bar of suits while application for conciliation is pending.

29. The pendency of any suit or any application for the execution of a decree or any other proceedings in any court of law for the recovery of any debt shall not be a bar to any party to such proceedings to making an application to a Board as provided in this Regulation.

Application may be made to Board even during pendency of proceedings before Court.

30. The time occupied by the proceedings before a Board for the settlement of any debt, the time during which any application under Section 18 is pending disposal and the time during which a person is debarred by Section 28 from instituting or prosecuting a suit, an application for the execution of a decree or other proceedings shall be excluded in computing the period of limitation prescribed for any suit, application or other proceedings in respect of the debt by the law of limitation for the time being in force.

Extension of limitation.

31. The members of Boards shall be deemed to be public servants within the meaning of the Travancore Penal Code.

Board members to be public servants.

32. (1) Our Government may make rules to carry out the purpose of this Part of this Regulation.

Power to make rules.

(2) Without prejudice to the generality of the foregoing power Our Government may make rules—

(a) prescribing the pecuniary and local jurisdictions of Boards,

(b) regulating the procedure of Boards,

(c) prescribing the charges to be made by Boards for anything done under this Regulation and the persons by whom and the manner in which such charges shall be paid,

(d) prescribing the records to be kept and the returns to be made by Boards,

(e) providing for the transfer of any application for concilation from one Board to another, for one or more such applications being dealt with together, or for any class of such applications being dealt with by any specified Board,

(f) prescribing the place at which and the manner in which an agreement shall be registered,

(*g*) prescribing the form for agreements under Section 16 and certificates under Section 17,

(*h*) prescribing the fees for the execution of decrees declared as such under the provisions of Section 16,

(*i*) prescribing forms for notices to be issued by Boards and the proceedings of Boards,

(*j*) generally for the purpose of carrying into effect the provisions of this Part of this Regulation, and

(*k*) providing for any matter for which rules may be made.

(3) The power, conferred by this Section, of making rules is subject to the condition that the rules be made after previous publication.

(4) In making any rule, Our Government may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees, and where the breach is a continuing one with further fine which may extend to ten rupees for every day after the first during which the breach continues.

PART III.

Temporary provisions regarding Execution o decree and interest.

Recovery of debt in instalments.

33. (1) Notwithstanding anything in any law, contract, decree or order of Court, for a period of three years from the date of the commencement of this Regulation, it shall be lawful, having regard to the circumstances mentioned below, for any Court executing a decree not being a decree declared as such under Section 16 to order that any money recoverable under the decree from a debtor be recovered in such number of instalments not exceeding twenty-four and spread over a period, not exceeding twelve years in any case, as the Court may in s discretion fix. It shall also be lawful during the said perlod of three years to revise from time to time the number of instalments once fixed by the Court. The circumstances referred to are the following;

(i) The amount of the money recoverable under the decree.

(ii) The period for which the decree and the transaction which is the basis of the decree have been outstanding.

(iii) That adequate security has been given for the amount.

(iv) That the debtor has been making honest efforts to make payment.

(v) That the debtor has executed any document with a view to defeat or delay, or having the effect of defeating or delaying, his creditors.

(vi) The need and other economic conditions of the decree-holder.

(vii) That the decree-holder is prepared to accept in full settlement the amount that the debtor may raise from the State Land Mortgage Bank or any other such institution by mortgaging his entire properties.

(viii) That the debtor is prepared to pay the first instalment in cash forthwith or that he is not prepard to pay such first instalment, or any portion of it, forthwith or within such time as the Court may fix.

(2) No Court shall order under sub-section (1) that any money recoverable under a decree be recovered in instalments unless the debtor's entire properties, if any, (except such property which by or under any law for the time being in force is exempt from attachment and sale in execution of the decree) are placed under attachment or, if the debtor so elects, the debtor gives all his properties as security or gives adequate security to the satisfaction of the Court for the realisation of the entire money recoverable under the decree and unless the debtor pays forthwith the full amount of the proposed first instalment or such portion of it as may be fixed by the Court.

(3) Whenever any debtor makes default in payment of the amount of any instalment fixed under sub-section (1), the Court shall, except for reasons to be recorded in writing, order the recovery of the amount of such instalments alone as have been defaulted, together with the interest, if any, thereon. But if three instalments have been defaulted consecutively, the Court shall except for reasons to be recorded in writing, order that the entire amount remaining recoverable under the decree together with interest, if any, thereon shall be recovered in a lump sum :

Provided that nothing in this Section shall apply to any decree passed for the recovery of any debt incurred after the commencement of this Regulation.

Limitation of interest on past debts.

34. Notwithstanding anything in any law, contract, decree or order of Court, no interest shall accrue, or be permitted to be recovered as accruing from and after the first of Chingam 1105 up to the termination of three years from the date of the commencement of this Regulation, in respect of any debt (not due in paddy or grain) in existence on the date of the commencement of this Regulation at any rate exceeding six per cent per annum.

Explanation.—If the rate of interest recoverable, if this provision had not been enacted, exceeds the rate of six per cent· per annum, interest shall accrue and be permitted to be recovered as accruing at the rate of six per cent. per annum. But if the rate of the interest recoverable be six per cent. per annum or less, the interest shall be at that rate.

Limitation of interest on future debts.

35. Notwithstanding anything in any law, contract, decree or order of Court, no interest shall accrue, or be permitted to be recovered as accruing for a period of three years from the date of the commencement of this Regulation, in respect of any debt arising after such date at any rate exceeding six per cent. per annum if the debt be a secured debt, or nine per cent. per annum if the debt be an

unsecured debt, provided that, in the case of decree debts, the interest shall in no case exceed six per cent. per annum for the said period of three years.

Explanation.—If the rate of interest recoverable, if this provision had not been enacted, be more than six per cent. per annum, or nine per cent per annum as the case may be, the interest shall accrue and be permitted to be recovered as accruing at six per cent. or nine per cent. per annum, as the case may be. But if the interest recoverable be six per cent. or less or nine per cent. or less, as the case may be, the interest shall be at such rate.

Limitation of interest on past paddy l ans.

36. Notwithstanding anything in any law, contract, decree or order of Court, no interest shall be considered to have accrued or to accrue or be permitted to be recovered as accruing from and after the 1st of Chingam 1105 up to the termination of three years from the date of the commencement of this Regulation, in respect of any debt, due in paddy or grain, at any rate exceeding nine per cent. per annum.

Explanation.—If the rate at which interest is recoverable, if this provision had not been enacted exceeds nine per cent per annum, interest shall accrue and be permitted to be recovered as accruing at the rate of nine per cent. per annum. But if the rate of interest recoverable be nine per cent. or less the interest thall be at that rate.

PART IV.

AMENDMENT OF THE CODE OF CIVIL PROCEDURE, 1100, REGARDING EXECUTION OF DECREES.

Amendment of Civil Procedure Code.

37. In the Code of Civil Procedure, 1100,—

After Section 48, the following Section shall be inserted. namely:—

Limitation of the arrest of agriculturists.

"48 A (1) Notwithstanding anything in this Part, the Court shall not order the arrest or detention in the civil prison of any agriculturist in execution of any decree for the payment of money unless, after giving him an opportunity of showing cause why he should not be committed to prison, the Court, for reasons recorded in writing, is satisfied—

(*a*) that he, with the object or effect of obstructing or delaying the execution of the decree,

(i) is likely to abscond or leave the local limits of the jurisdiction of the Court: or

(ii) has, after the institution of the suit in which the decree was passed, dishonestly transferred, concealed or removed any part of his property or committed any other act of bad faith in relation to his property; or

(b) that he has or has had since the date of the decree the means to pay the amount of the decree or some substantial part thereof and refuses or neglects or has refused or neglected to pay the same; or

(c) that the decree was passed on the basis of, or on account of, a transaction entered into by him on an express statement in writing that he is not an agriculturist; or

(d) that the arrest or detention applied for is in enforcement of any liability arising out of any transaction entered into with any Co-operative Society; or

(e) that the decree is for a sum for which the judgment-debtor was bound in a fiduciary capacity to account.

(2) Nothing in sub-section (1) shall apply in the case of any decree for the payment of money passed on the basis of, or on account of, any transaction entered into before the commencement of the Travancore Agriculturists' Relief Regulation. But, in the execution of any such decree, the Court shall not order the arrest or detention in the civil prison of any agriculturist if he submits to the Court a declaration in writing that he is not able, without time being allowed, to pay up the decree amount and submits also a list of his entire properties, movable and immovable, (except such property which by or under any law for the time being in force is exempt from attachment and sale in execution of the decree) with particulars sufficient to identify them, undertaking in writing not to alienate or encumber any of such properties without specific authority granted by the Court to do so. If he has not submitted such a declaration or such list or has not given such undertaking or if it is proved at any time to the satisfaction of the Court that the list is incomplete or incorrect in material particulars or that he has alienated or encumbered any of such properties against the undertaking, the Court may order his arrest or detention in the civil prison.

(3) Wherever the Court has reason to suspect that any person against whom an application for arrest or detention in the civil prison in the execution of any decree for the payment of money is made is an agriculturist, the Court shall, before granting the application, give him an opportunity of showing cause why he should not be committed to prison.

(4) Nothing in this Section is intended to permit the arrest or detention in civil prison of any agriculturist if such arrest or detention s prohibited by any other provision of law.

Explanation.—(i) "Agriculturist" means an agriculturist within the meaning of the Travancore Agriculturists' Relief Regulation.

(ii) in the calculation of the means of the judgment-debtor for the purpose of clause (b) of sub-section (1), there shall be left out of account any property which by or under any law for the time being in force is exempt from attachment or sale in execution of the decree."

PART V.

MORTGAGE AND LEASE BACK.

38. If any transaction which purports to be a usufructuary mortgage (*otti*) is proved to have been intended to be only a hypothecation, such transaction shall, notwithstanding any law or custom to the contrary, be treated as a hypothecation for the purpose of this Regulation.

Ottis may be treated as hypothecations.

Illustration.—A lends Rs. 1,000 to B and takes a usufructuary mortgage of B's property and leases the mortgaged property to B reserving an annual *pattom* of Rs. 120 intending to provide thereby for the interest due on the money lent. This transaction may be treated as a hypothecation and the rights between the parties may be adjusted on that basis.

Annexure I.

THE TRAVANCORE AGRICULTURISTS' RELIEF BILL.

(As passed by the Sri Mulam Assembly).

A REGULATION TO MAKE CERTAIN PROVISIONS IN RELIEF OF AGRICULTURAL INDEBTEDNESS.

Preamble. Whereas it is expedient to make certain provisions in relief of agricultural indebtedness; It is hereby enacted as follows:

PART I.

PRELIMINARY.

Short title and commencement. 1. (*a*) This Regulation may be called "The Travancore Agriculturists' Relief Regulation"

(*b*) It shall come into force at once.

Definitions. 2. In this Regulation, unless there is anything repugnant in the subject or context,

(*a*) 'Agriculturist' means a person

(i) who earns his livelihood mainly by agriculture and also is either an owner or a tenant of agricultural land in Travancore or a servant of such owner or tenant, or

(ii) who earns his livelihood as a village menial paid in cash or in kind for work connected with agriculture;

and every junior member who as such becomes jointly liable with the *Karanavan* or manager who is an agriculturist for the purpose of making the debt incurred binding on the *tarwad* or joint Hindu family shall for the purposes of such debt be deemed to be an agriculturist under this Regulation even though he may otherwise be a non-agriculturist.

Explanation.—A person shall not be deemed to be a non-agriculturist for the mere reason that he does not cultivate his lands himself or lives on rent or follows some other calling in life.

Exception.—Juristic persons, such as *e. g.* Joint Stock Companies and Devaswoms holding land shall not be deemed to be agriculturists for the purpose of this Regulation.

(*b*) Agriculture includes horticulture and the use of land for any purpose of husbandry inclusive of the keeping or breeding of live-stock poultry or bees and sericulture and the growing of fruits, vegetables and the like.

(*c*) 'Board' means a Debt Conciliation Board established under the provisions of this Regulation.

(*d*) 'Creditor' means a person to whom debt is owing.

(*e*) 'Debt' means any liability of an agriculturist, due in cash or in kind, secured or unsecured, payable under a decree or order of a Civil Court or otherwise, and whether mature or not, but shall not include—

(i) any debt or other liability due to Our Government, or

(ii) any land revenue or anything recoverable as an arrear of land revenue, or

(iii) any amount for the recovery of which a suit or application is barred by the Law of Limitation for the time being in force, or

(iv) except for purposes of Part II of this Regulation

(*i*) any debt incurred for purpose of trade, or

(*ii*) any debt due to a Co-operative Society, or

(*iii*) any debt arising out of any transaction of the nature of a lease including a *kanapattom* transaction falling within the purview of the Travancore Jenmi and Kudiyan Regulation of 1071.

(*f*) 'Debtor' means an agriculturist by whom a debt is owing.

(*g*) 'Prescribed' means prescribed by rules made by Our Government under this Regulation.

PART II.

Debt Conciliation.

Setting up of Debt Conciliation Boards.

8. (1) (*a*) Our Government may, for the purpose of amicable settlement between debtors and their creditors and among the creditors *inter se*, if there be more than one creditor of the same debtor, (hereinafter called conciliation) establish Debt Conciliation Boards.

(*b*) Our Government shall define the local limits of the area in which a Board shall have jurisdiction.

(*c*) Our Government may determine the pecuniary jurisdiction of any Board.

(*d*) The Board shall consist of only one member (hereinafter called Conciliation Officer) who is either an officer or is appointed as an officer in the service of Our Government.

(2) Our Government may cancel the appointment of any Conciliation Officer or dissolve any Board.

(3) (*a*) Our Government shall notify in Our Government Gazette the establishment of a Board and the appointment of the Conciliation Officer, and the Board shall be deemed to have been established and the Conciliation Officer appointed from the date specified in such notification.

(*b*) Our Government shall notify in Our Government Gazette the cancellation of the appointment of any Conciliation Officer.

(*c*) Our Government shall notify in Our Government Gazette the dissolution of a Board; and, from the date specified in such notification, the Board shall cease to exist.

(4) Where a Board is dissolved or otherwise ceases to exist, Our Government may at any time establish another Board for the area for which the former Board was established and may declare the Board

newly established to be the successor in office of the Board which has ceased to exist, and such Board shall exercise all the powers under this Regulation.

Application for conciliation.

4. (1) A debtor may make an application for conciliation to the Board established for the area within which he ordinarily resides or, if no Board has been established for that area, to the Board established for any area in which he holds immovable property, but he shall not apply to more than one Board.

(2) Unless the debtor has already made an application under sub-section (1), any of his creditors may make an application to a Board to which the debtor might have applied under that sub-section.

(3) If applications for conciliation in respect of the same debtor are made to more than one Board, such applications shall, in accordance with rules made by Our Government under this Regulation, be transferred to, and dealt with by, one Board as one single application.

(4) No application shall be made under sub-section (1) or sub-section (2) unless the application includes a debt in existence on the date of the commencement of this Regulation.

Manner of application.

5. Every application to the Board shall be in writing and be signed by the applicant and verified in the manner prescribed by the Code of Civil Procedure, 1100, for signing and verifying plaints.

Particulars to be stated in application.

6. (1) Every application presented by a debtor to a Board shall contain the following particulars, namely:—

(a) the place where he resides and the place or places where he holds immovable property;

(b) the amount and other particulars of all claims against him together with the name, address and residence of his creditors;

(c) the amount and other particulars of all his property, including claims due to him, together with a specification of the value of such property not consisting of money, and the place or places at which any such property is to be found and details of any mortgage, lien or charge subsisting thereon;

(d) a statement that he wants an amicable settlement of his debts; and

(e) other particulars, if so prescribed.

(2) Every application presented by a creditor shall contain the following particulars, namely:—

(a) the place where the debtor resides or holds immovable property;

(b) the amount and other particulars of his claim against such debtor;

(c) a statement that the debtor is unable to pay his debts or that he (the creditor) wants an amicable settlement of the debts due to him; and

(d) other particulars, if so prescribed.

7. (1) On receipt of an application under Section 4, the Board shall pass an order fixing a date and place for hearing the application.

Procedure on receipt of application.

(2) Notice of the order under sub-section (1) shall be sent by registered Anchal or Post acknowledgment due as well as in such other manner, if so prescribed, to the debtor and creditors.

(3) If the application is filed by a creditor, the debtor on his appearance shall furnish the particulars mentioned in sub-section (1) of Section 6, and notice shall be sent to all creditors specified by him.

8. If, after examining the debtor, it is, in the opinion of the Board, desirable to effect a conciliation, the Board shall issue, and serve or publish, in the manner prescribed, a notice calling upon every creditor of the debtor to submit a statement of debts owed to such creditor by the debtor. Such statement shall be in writing and shall be signed and verified in the manner prescribed by the Code of Civil Procedure, 1100, for signing and verifying claims and shall be submitted to the Board within one month from the date of service or publication of the notice as the case may be:

Notice calling upon creditors to submit statement of debts.

Provided that, if the Board is satisfied that any creditor was, for good and sufficient cause, unable to comply with such directions in due time, it may extend the period for the submission of his statement of the debts owed to him.

9. (1) Every creditor filing in compliance with a notice issued under Section 8 a statement of the debts owed to him shall furnish, along with such statement, full particulars of all such debts, shall at the same time produce all documents, including entries in books of account, on which he relies to support his claims, together with a true copy of every such document:

Procedure on submission of statement of debts.

Provided that the Board may exempt for sufficient reasons any creditor from producing any such documents.

(2) The Board shall, if so desired by the creditor, after marking, for the purpose of identification, every original document so produced and verifying the correctness of the copy, retain the copy and return the original to the creditor.

10. (1) The Board shall call upon the debtor and each creditor to explain his case regarding each debt.

(2) If there is a dispute as to the existence or quantum of the debt due to any creditor or the assets of any debtor, the Board may decide the matter after taking such evidence as is adduced by all the parties concerned, and such decision shall be binding on all parties in all proceedings before the Board:

Board to attempt conciliation.

Provided that a decree of a Civil Court relating to a debt shall be conclusive evidence as to the existence and amount of the debt.

(3) The Board shall prepare a complete schedule of the creditors and the assets and liabilities of the debtor.

Power of Board to take evidence.

11. (1) Subject to rules, if any, made by Our Government under this Regulation, a Board may exercise all such powers connected with the summoning and examining of parties and witnesses and with the production of documents as are conferred on a Civil Court by the Code of Civil Procedure, 1100.

(2) Any person present may be required by a Board to furnish any information or to produce any document then and there in his possession or power.

(3) Every proceeding before the Board shall be deemed to be a judicial proceeding.

Conciliation between debtor and creditor and creditors *inter se.*

12. It shall be the function of the Board to propose and make a conciliation of all the debts, (including a settlement as to the manner of fully discharging the debts) as between the debtor on the one hand and the creditor or creditors on the other, and as among the creditors *inter se*, if there are more creditors than one.

Matters to be considered in conciliation.

13. In proposing and making the conciliation, the Board may take into consideration the following *inter alia*, namely:—

(*a*) the equities of the debt transactions concerned,

(*b*) the amount of each of the debts,

(*c*) the amount of interest already paid, particularly after the commencement of the year 1105 M. E.

(*d*) the amount of the interest that has been allowed to accumulate,

(*e*) the duration of the transaction,

(*f*) the character of the debt, as for example, whether it is secured or unsecured, and the purpose of the debt,

(*g*) the ability of the debtor to pay,

(*h*) the availability of assets out of which the debts may be realised,

(*i*) the occupation, needs and other economic conditions of the creditor,

(*j*) the needs of the debtor and the necessity for leaving, as far as possible, a margin of property for the debtor's subsistence.

When transactions may be re-opened.

14. If, in the opinion of the Board, there are reasonable grounds to suspect inequity in any transaction, such as, for example, that it is tainted by fraud, misrepresentation, undue influence, coercion, mistake of fact, or collusion, the Board shall, in proposing and making the conciliation, go into the history of the transaction and may, in view of such history, reduce or disallow interest or even scale down the principal.

Explanation.—Nothing in this Section is intended to prohibit any disallowance of any claim on the ground that the transaction concerned is vitiated by fraud, misrepresentation, undue influence, coercion, mistake of fact or collusion and is therefore invalid in law.

15. (1) The manner of the conciliation shall be in the discretion of the Board and may, for example, be as follows:—

Methods of conciliation.

(*a*) that the debtor pay the creditor or creditors forthwith, or within a time to be fixed by the Board, a lump sum in cash in full settlement of all the debts, the amount of such lump sum being fixed by the Board having regard to the facts enumerated in Section 13 and to the amount which the debtor may raise by mortgaging his entire properties to the State Land Mortgage Bank or to some such recognised institution, or

(*b*) that a portion, say one-fourth of the assets of the debtor be left to the debtor free from all liability for his debts and the balance left to the creditor or creditors to be appropriated by them or to be sold and the sale proceeds distributed amongst them, it being also laid down how the property, or the sale proceeds, as the case may be, shall be distributed amongst the creditors, if there are more creditors than one, or

(*c*) that the debtor pay either the entire amount of the debts, or a reduced amount in full settlement in instalments spread over a number of years to be fixed by the Board, the debtor giving security for the due payment of the instalments and it being provided that, if any instalment is defaulted, such instalment and interest thereon alone be recovered, but that, if three consecutive instalments are defaulted, the entire amount remaining due be recovered:

Provided that under no circumstances shall any reduction be made with respect to debts incurred after the date of the commencement of this Regulation except with the consent of the creditor.

(2) In any scheme of conciliation, such properties as are exempt from attachment under the Code of Civil Procedure, 1100, shall not be taken into account and shall be left to the debtor free from liability for his debts.

Conciliation agreement.

16. (1) If the debtor and the creditor or the creditors appearing before the Board agree to the conciliation proposed by the Board, it shall be reduced to writing in the form of an agreement and shall be signed by the debtor and the creditor or creditors and shall also be signed or otherwise authenticated by the Board. Such agreement shall, subject to the rules, if any, made by Our Government, be registered according to the law relating to the registration of documents for the time being in force and filed in the court of the District Munsiff having jurisdiction over the area in which the debtor ordinarily resides and shall have the force of a decree passed by such court in a suit in which the persons who have so signed the agreement or are deemed

under the provisions of this Regulation who have so signed the agreement are parties and shall be capable of being put in execution as if it were a decree of such court.

(2) Notwithstanding anything contained in sub-section (1), the Board may, by a notice in writing and in the form prescribed, intimate to any person affected by any conciliation proposed by the Board or agreed to by the debtor and the creditor or creditors who have appeared before the Board, the particulars of such conciliation and call upon him to state within a time specified in the notice whether he agrees to the conciliation and is prepared to sign the conciliation agreement. If, in response to any such notice, any person, whether a debtor or creditor, does not, within the time specified in the notice or within such further time as the Board may grant, express to the Board his disagreement with the conciliation, he may, if so ordered by the Board, be deemed to have agreed to the conciliation and signed the agreement within the intent of sub-section (1) and the Board shall endorse or state in the agreement that it is deemed to have been signed by such person also:

Provided that, if it is proved to the satisfaction of the Civil Court whenever the question arises before such court that the notice was not properly served on such person or if it is proved that, though the notice was properly served on him, he was prevented by sufficient cause from not expressing his views to the Board, the agreement shall not have effect as a decree so far as he is concerned.

(3) For the purpose of the registration of the agreement under sub-section (1), the Board shall be deemed to be an Officer of Our Government empowered to execute such agreement within the meaning of Section 82 of the Travancore Registration Regulation, 1087.

Certificate on failure of conciliation.

17. (1) If all the parties appearing before the Board, do not agree to the conciliation proposed by the Board, the Board may for reasons to be recorded in writing reject the application for conciliation or may record a certificate setting forth the attempts made by the Board to bring the parties to agreement, the various methods of conciliation suggested to them, the attitude of each of the parties in regard to such methods and what, in the opinion of the Board, would be a most satisfactory manner of settlement between the debtor and the creditors and what amount, in the opinion of the Board, would, having regard to all the circumstances, be a fair amount for the creditor or creditors to accept and the debtor to offer if the debtor were prepared to pay forthwith in cash in full settlement of all the debts.

(2) The Board may record a like certificate even as regards parties who have not appeared before the Board, or not taken part in the inquiry before the Board, if the Board is satisfied that it can come to a reasonable conclusion as to what will be a fair settlement in the case of such parties also.

(3) The Board shall send such certificate to the Court of the District Munsiff having jurisdiction over the place where the debtor ordinarily resides for being filed in that court.

Deposit of debts upon certificate.

18. Upon the certificate being filed or a copy of it being produced it shall be open to the creditor or any of the creditors to apply to the Court to call upon the debtor to deposit in Court the amount mentioned in the certificate as the fair amount for settlement by cash payment. Upon such application being made, the Court shall order the debtor to make the deposit within such time as it may think reasonable not exceeding, in any case, three months from the date of the order to make the deposit. The deposit so made in such time shall be deemed to be in full settlement of such claims of the creditor as are dealt with in the certificates.

Explanation.—The deposit so made shall not be liable to be proceeded against for the claims or any other person against the debtor.

Power to disallow costs and future interest if certificate not accepted.

19. If, in respect of any debt covered by the certificate of the Board, the creditor institutes a suit or makes an application (not being an application under Section 18) in any Civil Court, such Court, having regard to the certificate and the conduct of the parties in connection therewith, may, in its discretion, disallow in whole or in part the costs of the suit or of the application, as the case may be, and may also, in its discretion, reduce the amount of the interest remaining due for the period from and after 1st Chingom 1105 up to the date of the decree or order of the application, as the case may be, by reducing the rate of the interest to any rate which is not less than either one-half of the stipulated rate or four per cent. per annum whichever is higher.

Dismissal of applications.

20. (1) An application under Section 4 may be dismissed by the Board at any stage of the proceedings—

(*a*) if, in the opinion of the Board, the applicant fails to pursue his application with due diligence:

Provided that, when such applicant is a creditor, the Board, instead of dismissing such application, may substitute the debtor or any other creditor, who shall thereafter be deemed to be the applicant for the purposes of this Regulation; or

(*b*) if, for reasons to be stated in writing, the Board considers it not desirable or practicable to effect a conciliation; or

(*c*) if the application includes a claim which, in the opinion of the Board, is collusive and intended to defraud any creditor.

(2) Notwithstanding anything in sub-section (1), the application shall be deemed to have been dismissed if within the prescribed period the application has not been disposed of by the Board:

Provided that this sub-section shall not apply for a period of three months after the prescribed date where the conciliation officer, for

reasons to be recorded in writing, orders that an extension of the prescribed period is necessary in the general interests of the parties before him.

21. If once an application has been made by any person under Section 4 and disposed of, no Board shall entertain an application from any person in respect of the same debtor within two years from the date of the disposal of the first application.

Bar to successive applications.

22. If, in compliance with a notice under Section 8 proved to have been served on him, a creditor does not duly furnish the statement of the debts owed to him, any conciliation agreement effected under Section 16 specifically providing for the debts owed to such creditor, shall have effect, as regards such creditor also, exactly as if he had appeared and agreed to the conciliation and signed the conciliation agreement :

Consequence of refusal to submit statement of debts to Board.

Provided that, if the creditor proves to the satisfaction of the Board, wherever the question arises before the Board, or to the satisfaction of the Court, wherever the question arises before a Civil Court, that he had sufficient cause for not furnishing the statement, the Board or the Court, as the case may be, may proceed as if no conciliation agreement had been entered into in regard to the debts owed to him.

23. No appeal or application for revision shall lie to any Court against any order passed by the Board.

Bar of appeal and revision.

24. The decision by a Board that a person is or is not an agriculturist shall be conclusive for all the purposes of the Board and for the purposes of all proceedings arising out of any conciliation or certificate recorded by the Board.

Decision of Board as to status of agriculturist how far conclusive.

Explanation.—If for any other purpose the question arises before any Court of law whether a person is or not an agriculturist, the Court shall decide the question for itself and such decision shall be liable to be appealed against as a decree of the Court.

25. A Board may, on the application of any person interested, review any order passed by it (not being a certificate recorded by the Board under Section 17) and pass such order as it thinks fit :

Power of Board to review.

Provided that it shall not under this Section pass an order reversing or modifying any order affecting any person interested without giving such person an opportunity of being heard :

Provided, further, that no application for review shall be entertained if presented more than three months from the date on which the applicant came to know of the order after the date of the order which the person interested seeks to have reviewed.

26. No Civil Court shall—

Bar of civil suits.

(a) question the validity of any procedure of a Board, or

(b) entertain a suit by any person to recover any amount due under, or any debt covered by, a conciliation agreement binding on him.

Explanation.—Nothing in this Section is intended to affect the right contemplated in the proviso to sub-section (2) of Section 16 or in the proviso to Section 22.

Appearance before Board by agent or legal practitioner.

27. In any proceedings before a Board, any party may be represented by an agent authorised in writing or by a legal practitioner.

Bar of suits while application for conciliation is pending.

28. Except for special reasons to be recorded in writing, no court of law shall entertain, or allow to be prosecuted, any suit, application for the execution of a decree or other proceedings for the recovery of any debt for the settlement of which an application is pending before a Board.

Application may be made to Board even during pendency of proceedings before Court.

29. The pendency of any suit or any application for the execution of a decree or any other proceedings in any court of law for the recovery of any debt shall not be a bar to any party to such proceedings to making an application to a Board as provided in this Regulation.

Extension of limitation.

30. The time occupied by the proceedings before a Board for the settlement of any debt, the time during which any application under Section 18 is pending disposal and the time during which a person is debarred by Section 28 from instituting or prosecuting a suit, an application for the execution of a decree or other proceedings shall be excluded in computing the period of limitation prescribed for any suit, application or other proceedings in respect of the debt by the law of limitation for the time being in force.

Board members to be public servants.

31. The members of Board shall be deemed to be public servants within the meaning of the Travancore Penal Code.

Power to make rules.

32. (1) Our Government may make rules to carry out the purpose of this Part of this Regulation.

(2) Without prejudice to the generality of the foregoing power Our Government may make rules—

(a) prescribing the pecuniary and local jurisdictions of Boards,

(b) regulating the procedure of Boards,

(c) prescribing the charges to be made by Boards for anything done under this Regulation and the persons by whom and the manner in which such charges shall be paid,

(d) prescribing the records to be kept and the returns to be made by Boards,

(*e*) providing for the transfer of any application for concilation from one Board to another, for one or more such applications being dealt with together, or for any class of such applications being dealt with by any specified Board,

(*f*) prescribing the place at which and the manner in which an agreement shall be registered,

(*g*) prescribing the form for agreements under Section 16 and certificates under Section 17,

(*h*) prescribing the fees for the execution of decrees declared as such under the provisions of Section 16,

(*i*) prescribing forms for notices to be issued by Boards and the proceedings of Boards,

(*j*) generally for the purpose of carrying into effect the provisions of this Part of this Regulation, and

(*k*) providing for any matter for which rules may be made.

(3) The power, conferred by this Section, of making rules is subject to the condition that the rules be made after previous publication.

(4) In making any rule, Our Government may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees, and where the breach is a continuing one with further fine which may extend to ten rupees for every day after the first during which the breach continues.

PART III.

TEMPORARY PROVISIONS REGARDING EXECUTION OF DECREE AND INTEREST.

Recovery of debt in instalments.

33. (1) Notwithstanding anything in any law, contract, decree or order of Court, for a period of three years from the date of the commencement of this Regulation, it shall be lawful, having regard to the circumstances mentioned below, for any Court executing a decree not being a decree declared as such under Section 16 to order that any money recoverable under the decree from a debtor be recovered in such number of instalments not exceeding twenty-four and spread over a period, not exceeding twelve years in any case, as the Court may in its discretion fix. It shall also be lawful during the said period of three years to revise from time to time the number of instalments once fixed by the Court. The circumstances referred to are the following;

(i) The amount of the money recoverable under the decree.

(ii) The period for which the decree and the transaction which is the basis of the decree have been outstanding.

(iii) That adequate security has been given for the amount.

(iv) That the debtor has been making honest efforts to make payment.

(v) That the debtor has executed any document with a view to defeat or delay, or having the effect of defeating or delaying, his creditors.

(vi) The need and other economic conditions of the decree-holder.

(vii) That the decree-holder is prepared to accept in full settlement the amount that the debtor may raise from the State Land Mortgage Bank or any other such institution by mortgaging his entire properties.

(viii) That the debtor is prepared to pay the first instalment in cash forthwith or that he is not prepard to pay such first instalment, or any portion of it, forthwith or within such time as the Court may fix.

(2) No Court shall order under sub-section (1) that any money recoverable under a decree be recovered in instalments unless the debtor's entire properties, if any, (except such property which by or under any law for the time being in force is exempt from attachment and sale in execution of the decree) are placed under attachment or, if the debtor so elec's, the debtor gives all his properties as security or gives adequate security to the satisfaction of the Court for the realisation of the entire money recoverable under the decree and unless the debtor pays forthwith the full amount of the proposed first instalment or such portion of it as may be fixed by the Court.

(3) Whenever any debtor makes default in payment of the amount of any instalment fixed under sub-section (1), the Court shall, except for reasons to be recorded in writing, order the recovery of the amount of such instalments alone as have been defaulted, together with the interest, if any, thereon. But if three instalments have been defaulted consecutively, the Court shall except for reasons to be recorded in writing, order that the entire amount remaining recoverable under the decree together with interest, if any, thereon shall be recovered in a lump sum :

Provided that nothing in this Section shall apply to any decree passed for the recovery of any debt incurred after the commencement of this Regulation.

Limitation of interest on past debts.

34. Notwithstanding anything in any law, contract, decree of order of Court, no interest shall accrue, or be permitted to be recovered as accruing, for a period of three years from the date of the commencement of this Regulation, in respect of any debt (not due in paddy or grain) in existence on such date, at any rate exceeding six per cent. per annum.

Explanation.—If the rate of interest recoverable, if this provision had not been enacted, exceeds the rate of six per cent· per annum, interest shall accrue and be permitted to be recovered as accruing at the rate of six per cent. per annum. But if the rate of the interest recoverable be six per cent. per annum or less, the interest shall be at that rate.

Limitation of interest on future debts.

35. Notwithstanding anything in any law, contract, decree or order of Court, no interest shall accrue, or be permitted to be recovered as accruing for a period of three years from the date of the commencement of this Regulation, in respect of any debt arising after such date at any rate exceeding six per cent. per annum if the debt be a secured debt, or nine per cent. per annum if the debt be an

unsecured debt, provided that, in the case of decree debts, the interest shall in no case exceed six per cent. per annum for the said period of three years.

Explanation.—If the rate of interest recoverable, if this provision had not been enacted, be more than six per cent. per annum or nine per cent. per annum, as the case may be, the interest shall accrue and be permitted to be recovered as accruing at six per cent. or nine per cent. or less or nine per cent. or less, as the case may be, the interest shall be as such rate.

Limitation of interest on past paddy loans.

36. Notwithstanding anything in any law, contract, decree or order of Court, no interest shall accrue, or be permitted to be recovered as accruing, for a period of three years from the date of the commencement of this Regulation, in respect of any debt, due in paddy or grain, and in existence on such date, at any rate exceeding nine per cent. per annum.

Explanation.—If the rate at which interest is recoverable, if this provision had not been enacted, exceeds nine per cent per annum, interest shall accrue and be permitted to be recovered as accruing at the rate of nine per cent. per annum. But if the rate of interest recoverable be nine per cent. or less, the interest shall be at that rate.

PART IV.

AMENDMENT OF THE CODE OF CIVIL PROCEDURE, 1100, REGARDING EXECUTION OF DECREES.

Amendment of Civil Procedure Code.

37. In the Code of Civil Procedure, 1100,—

After Section 48, the following Section shall be inserted, namely:—

Limitation of the arrest of agriculturists.

"48 A (1) Notwithstanding anything in this Part, the Court shall not order the arrest or detention in the civil prison of any agriculturist in execution of any decree for the payment of money unless, after giving him an opportunity of showing cause why he should not be committed to prison, the Court, for reasons recorded in writing, is satisfied—

(*a*) that he, with the object or effect of obstructing or delaying the execution of the decree,

(i) is likely to abscond or leave the local limits of the jurisdiction of the Court; or

(ii) has, after the institution of the suit in which the decree was passed, dishonestly transferred, concealed or removed any part of his property or committed any other act of bad faith in relation to his r operty; or

(*b*) that he has or has had since the date of the decree the means to pay the amount of the decree or some substantial part thereof and refuses or neglects or has refused or neglected to pay the same ; or

(*c*) that the decree was passed on the basis of, or on account of, a transaction entered into by him on an express statement in writing that he is not an agriculturist or

(*d*) that the arrest or detention applied for is in enforcement of any liability arising out of any transaction entered into with any Co-operative Society ; or

(*e*) that the decree is for a sum for which the judgment-debtor was bound in a fiduciary capacity to account.

(2) Nothing in sub-section (1) shall apply in the case of any decree for the payment of money passed on the basis of, or on account of, any transaction entered into before the commencement of the Travancore Agriculturists' Relief Regulation. But, in the execution of any such decree, the Court shall not order the arrest or detention in the civil prison of any agriculturist if he submits to the Court a declaration in writing that he is not able, without time being allowed, to pay up the decree amount and submits also a list of his entire properties, movable and immovable, (except such property which by or under any law for the time being in force is exempt from attachment and sale in execution of the decree) with particulars sufficient to identify them, undertaking in writing not to alienate or encumber any of such properties without specific authority granted by the Court to do so. If he has not submitted such a declaration or such list or has not given such undertaking or if it is proved at any time to the satisfaction of the Court that the list is incomplete or incorrect in material particulars or that he has alienated or encumbered any of such properties against the undertaking, the Court may order his arrest or detention in the civil prison.

(3) Wherever the Court has reason to suspect that any person against whom an application for arrest or detention in the civil prison in the execution of any decree for the payment of money is made is an agriculturist, the Court shall, before granting the application, give him an opportunity of showing cause why he should not be committed to prison.

(4) Nothing in this Section is intended to permit the arrest or detention in civil prison of any agriculturist if such arrest or detention is prohibited by any other provision of law.

Explanation.—(i) "Agriculturist" means an agriculturist within the meaning of the Travancore Agriculturists' Relief Regulation.

(ii) in the calculation of the means of the judgment-debtor for the purpose of clause (*b*) of sub-section (1), there shall be left out of account any property which by or under any law for the time being in force is exempt from attachment or sale in execution of the decree."

PART V.

Mortgage and Lease Back.

38. If any transaction which is in existence on the date of the commencement of this Regulation and which purports to be an usufructuary mortgage (*Otti*) is proved to have been intended to be only a hypothecation, such transaction shall notwithstanding any law or custom to the contrary, be treated, for a period of three years from such date, as a hypothecation which came into existence on such date :

Otties may be treated as hypothecations.

Provided that nothing in the Section shall exempt the mortgagor from liability to arrears of pattom, if any, due in respect of such transaction for any period previous to such date.

Illustration.—A lent Rs. 1,000 to B and took an usufructuary mortgage of B's property and leased the mortgaged property to B reserving an annual pattom of Rs. 120 intending to provide thereby for the interest due on the money lent ; and this transaction is in existence on the date of the commencement of this Regulation. This transaction may, for a period of three years from the date of the commencement of this Regulation, be treated as a hypothecation that came into existence on such date ; and during that period the rights between the parties may be adjusted on that basis.

Annexure II.

A BILL TO CONSOLIDATE AND AMEND THE LAW RELATING TO STEAM BOILERS.

(As passed by the Sri Mulam Assembly.)

Preamble. Whereas it is expedient to consolidate and amend the law relating to Steam Boilers ; It is hereby enacted as follows :—

Short title, extent and commencement. 1. (1) This Regulation may be called "The Travancore Boilers Regulation, 1112."

(2) It extends to the whole of Travancore.

(3) It shall come into force on such date as Our Government may, by notification in Our Government Gazette, appoint.

Definitions. 2. In this Regulation, unless there is anything repugnant in the subject or context:

(a) "boiler" means any closed vessel exceeding five gallons in capacity, which is used expressly for generating steam under pressure, and includes any mounting or other fitting attached to such vessel which is wholly or partly under pressure when steam is shut off;

(b) "accident" means an explosion of a boiler or steam pipe or any damage to a boiler or steam pipe which is calculated to weaken the strength thereof so as to render it liable to explode ;

(c) "owner" includes any person using a boiler as agent of the owner thereof and any person using a boiler which he has hired or obtained on loan or otherwise from the owner thereof ;

(d) "steam pipe" means any main pipe exceeding three inches in internal diameter, through which steam passes directly from a boiler to a prime mover or other first user, and includes any connected fitting of a steam pipe ;

(e) "Chief Inspector" and "Inspector" means respectively, a person appointed to be a Chief Inspector and an Inspector under this Regulation ;

(f) "prescribed" means prescribed by rules made under this Regulation ; and

(g) "Structural alteration, addition or renewal" shall not be deemed to include any renewal or replacement of a petty nature when the part or fitting used for replacement is not inferior in strength, efficiency or otherwise to the replaced part or fitting

Limitation of application. 3. Nothing in this Regulation shall apply in the case of any boiler or steam pipe ;

(a) belonging to or under the control of His Majesty's Navy or the Royal Indian Marine service ; or

(b) belonging to or under the control of any Railway administered by the Government of India or by Our Government or by any Railway Company as defined in Clause 5 of Section 3 of the Indian Railway Act, 1890.

Appointment of Chief Inspector and Inspectors. 4. (1) Our Government may appoint such persons as they think fit to be Inspector for the purpose of this Regulation.

(2) The Inspectors so appointed shall, within such local areas as Our Government may direct, exercise the powers and perform the duties conferred and imposed on Inspectors by or under this Regulation, or rules made thereunder.

(3) Our Government shall likewise appoint a person to be Chief Inspector for the State, who may in addition to the powers and duties conferred or imposed on the Chief Inspector by or under this Regulation, exercise any power or perform any duty so conferred or imposed on Inspectors.

(4) Every Chief Inspector and every inspector shall be deemed to be a public servant within the meaning of the Travancore Penal Code.

Prohibition of use of unregistered or uncertificated boilers.

5. Save as otherwise expressly provided in this Regulation or in any rules passed by Our Government under this Regulation, no owner of a boiler shall use the boiler or permit it to be used .

(a) unless it has been registered in accordance with the previsions of this Regulation or rules made thereunder, or a certificate or provisional order authoring its use has been granted under this Regulation or rules made thereunder and is in force ;

(b) at a pressure higher than the maximum pressure recorded in such certificate or provisional order ;

(c) unless the boiler is in charge of a person holding a certificate of competency as required by rules made under this Regulation ;

Provided that any boiler registered or any boiler certified or licensed under the Travancore Steam Boilers and Prime Movers Regulation, 1082 (III of 1082) shall be deemed to have been registered or certified, as the case may be, under this Regulation.

Registration.

6. (1) The owner of any boiler which is not registered under the provisions of this Regulation or the rules thereunder may apply to the Chief Inspector to have it registered. Every such application shall be accompanied by the prescribed fee.

(2) On receipt of an application under sub-section (1), the Chief Inspector shall fix a date, within thirty days or such shorter period as may be prescribed from the date of the receipt, for the examination of the boiler and shall give the owner thereof not less than seven days notice of the date so fixed.

(3) On the said date the Chief Inspector or the Inspector of the local area in which the boiler is situated shall proceed to measure and examine the boiler and to determine in the prescribed manner the maximum pressure if any, at which such boiler may be used and in the case of examination by the Inspector he shall report the result of his examination to the Chief Inspector in the prescribed from.

(4) The Chief Inspector, on completion of his examination or on receipt of the report, as the case may be, may :—

(a) register the boiler and assign a register number thereto either forthwith or after satisfying himself that any structural alteration, addition or renewal which he may deem necessary has been made in or to the boiler or any steam pipe attached thereto, or

(b) refuse to register the boiler :

Provided that where he refuses to register a boiler, he shall forthwith communicate his refusal to the owner of the boiler together with the reasons therefor.

(5) The Chief Inspector shall, on registering the boiler, issue to the owner a certificate in the prescribed form authorising the use of the boiler for a period not exceeding twelve months at a pressure not exceeding such maximum pressure as he thinks fit and as is in accordance with the rules made under this Regulation.

(6) Where the boiler has been registered, the owner shall within the prescribed period cause the register number to be permanently marked thereon in the prescribed manner.

Renewal of certificate.

7. (1) A certificate authorising the use of a boiler shall cease to be in force—

(a) on the expiry of the period for which it was granted; or

(b) when any accident occurs to the boiler; or

(c) when the boiler is moved, the boiler not being a virtical boiler the heating surface of which is less than one hundred square feet, or a portable or vehicular boiler; or

(d) when any structural alteration, addition or renewal is made in or to the boiler; or

(e) if the Chief Inspector in any particular case so directs, when any structural alteration, addition or renewal is made in or to any steam pipe attached to the boiler;

(f) on the communication to the owner of the boiler of an order of the Chief Inspector prohibiting its use on the ground that it or any steam pipe attached thereto is in a dangerous condition.

(2) When an order is made under clause (f) of sub-section (1), the grounds on which the order is made shall be communicated to the owner with the order

(3) When a certificate ceases to be in force, the owner of a boiler may apply to the Chief Inspector for a renewal thereof for such period not exceeding twelve months as he may specify in the application.

(4) An application under sub-section (3) shall be accompanied by the prescribed fee and, on receipt thereof, the Chief Inspector shall fix a date, within thirty days or such shorter period as may be prescribed from the date of the receipt for the examination of the boiler and shall give the owner thereof not less than seven days' notice of the date so fixed.

Provided that where the certificate has ceased to be in force owing to the making of any structural alteration, addition or renewal the Chief Inspector may dispense with the payment of any fee.

(5) On the said date, the Chief Inspector or the Inspector of the local area at which the boiler is situated shall examine the boiler in the prescribed manner, and in the case of examination by the Inspector he shall submit his report to the Chief Inspector in the prescribed form. If the Chief Inspector, from his own inspection or the Inspector's report, is satisfied that the boiler and the steam pipe or steam pipes attached thereto are in good condition he shall issue a renewed certificate authorising the use of the boiler or such period not exceeding twelve months and at a pressure not exceeding such maximum pressure as he thinks fit and as is in accordance with the rules made under this Regulation:

Provided that if the Chief Inspector on his own examination or on receipt of the Inspector's report, as the case may be, finds that the boiler is not fit for use, or that the boiler is safe for working only after certain structural alteration, addition or renewal has been made in or to the boiler or any steam pipe attached thereto, he shall forthwith inform the owner of

the boiler in writing of his opinion and the reasons therefor and in such cases he may subject to the provisions of this Regulation and of the rules made thereunder, renew the certificate in such terms and on such conditions, if any, as he thinks fit, or may refuse to renew it and shall forthwith communicate his reasons therefor to the owner of the boiler.

(6) Nothing in this section shall be deemed to prevent an owner of a boiler from applying for a renewed certificate therefor at any time during the currency of the certificate:

Provided that every such application is accompanied by the prescribed fee.

Provisional orders.

8. Where the Inspector has made an examination of a boiler under sub-section (3) of section 6 or sub-section (5) of Section 7, he may, if he is satisfied that the boiler and steam, pipes attached thereto are in good condition, grant to the owner thereof a provisional order in writing permitting the boiler to be used at a pressure not exceeding such maximum pressure as he thinks fit and as is in accordance with the rules made under this Regulation pending the orders of the Chief Inspector. Such provisional order shall cease to be in force—

(*a*) on the expiry of two months from the date on which it is granted, or

(*b*) on receipt of the orders of the Chief Inspector, or

(*c*) in any of the cases referred to in clauses (*b*), (*c*), (*d*), (*e*) and (*f*) of sub-section (1) of Section 7, and on so ceasing to be in force shall be surrendered to the Chief Inspector.

Use of boiler pending grant of certificate.

9 (1) Notwithstanding anything hereinbefore contained when the period of a certificate relating to a boiler has expired, the owner shall, provided that he has applied not less than thirty days before the expiry of that period for a renewal of the certificate, be entitled to use the boiler at the maximum pressure entered in the former certificate pending the issue of orders on the application.

(2) Nothing in sub-section (1) shall be deemed to authorise the use of a boiler in any of the cases referred to in clauses (*b*), (*c*), (*d*), (*e*) and (*f*) of sub-section (1) of Section 7 occurring after the expiry of the period of the certificate.

Revocation of certificate or provisional order.

10. On the report of an Inspector or otherwise the Chief Inspector may at any time withdraw or revoke any certificate or provisional order—

(*a*) if there is reason to believe that the certificate or provisional order has been fraudulently obtained or has been granted erroneously or without sufficient examination; or

(*b*) if the boiler in respect of which it has been granted has sustained injury or has ceased to be in good condition; or

(*c*) if the boiler is in charge of a person not holding the certificate of competency required by rules made under this Regulation; or

(*d*) if at the time of granting a certificate certain structural alteration, addition or renewal has been ordered to be carried out within a certain time and if such structural alteration, addition or renewal has not been carried out within such a time:

Provided that the Chief Inspector shall record his reasons for the withdrawal or revocation and communicate them to the owner of the boiler concerned.

Alterations and renewals to Boilers.

11. No structural alteration, addition or renewal shall be made in or to any boiler registered under this Regulation unless such alteration, addition or renewal has been sanctioned in writing by the Chief Inspector.

Alteration and renewals to steam pipes.

12. Before the owner of any boiler registered under this Regulation makes any structural alteration, addition or renewal in or to any steam pipe attached to the boiler, he shall transmit to the Chief Inspector a report in writing of his intention, and shall send therewith such particulars of the proposed alteration, addition or renewal as may be prescribed.

Duty of owner at examination.

13. (1) On any date fixed under this Regulation for the examination of a boiler the owner thereof shall be bound—

(*a*) to afford to the Chief Inspector or the Inspector as the case may be, all reasonable facilities for the examination and all such information as may reasonably be required of him;

(*b*) to have the boiler properly prepared and ready for examination in the prescribed manner; and

(*c*) in the case of an application for the registration of a boiler, to provide such drawings, specifications, certificates and other particulars as may be prescribed.

(2) If the owner fails, without reasonable cause, to comply with the provisions of sub-section (1) the Chief Inspector or the Inspector shall, as the case may be, refuse to make the examination and in the case of the Inspector he shall report the case to the Chief Inspector and the Chief Inspector shall unless sufficient cause to the contrary is shown require the owner to file a fresh application under Section 6 or Section 7, as the case may be, and may forbid him to use the boiler notwithstanding anything contained in Section 9.

Production of certificate etc.

14. The owner of any boiler who holds a certificate or provisional order relating thereto shall at all reasonable times during the period for which the certificate or order is in force, be bound to produce the same when called upon to do so by a District Magistrate, District Superintendent of Police or Magistrate of the First Class having jurisdiction in the area in which the boiler is for the time being, or by the Chief Inspector or by an Inspector or by any Inspector appointed under the Travancore Factories Regulation (V of 1089) or by any person specially authorised by Our Government.

Transfer of certificate etc.

15. If any person becomes the owner of a boiler during the period for which a certificate or provisional order relating thereto is in force, the preceding owner shall be bound to make over to him the certificate or provisional order.

16. The Chief Inspector may, for the purpose of inspecting or examining a boiler or any steam pipe attached thereto or of seeing that any provision of this Regulation or of any rules made thereunder has been or is being observed at all reasonable times enter any place or building in which he has reason to believe that a boiler is in use and an Inspector also may likewise enter as regards the local area for which he is appointed Inspector.

Powers of entry.

17. (1) If any accident occurs to a boiler or steam pipe, the owner or person in charge thereto shall, within twenty-four hours of the accident report the same in writing to the Chief Inspector for the local area. Every such report shall contain a true description of the accident of the injury, if any, caused thereby to the boiler or to the steam pipe or to any person, and shall be in sufficient detail to enable the Chief Inspector and the Inspector to judge of the gravity of the accident.

Report of accidents.

(2) Every person shall be bound to answer truly to the best of his knowledge and ability every question put to him in writing by the Chief Inspector or by the Inspector having jurisdiction in the local area where the accident occurred as to the cause, nature or extent of the accident.

18. Any person considering himself aggrieved by an order of the Chief Inspector—

Appeals to appellate authority.

(a) refusing to register a boiler or to grant or renew a certificate in respect of a boiler; or

(b) refusing to grant a certificate having validity for the full period applied for; or

(c) refusing to grant a certificate authorising the use of a boiler at the maximum pressure desired; or

(d) withdrawing or revoking a certificate or provisional order, or

(e) reducing the amount of pressure specified in any certificate or the period for which such certificate has been granted; or

(f) ordering any structural alteration, addition or renewal to be made in or to a boiler or steam pipe, or refusing sanction to the making of any structural alteration, addition or renewal in or to a boiler,

may, within thirty days of the communication to him of such order, prefer an appeal to the appellate authority constituted by Our Government under this Regulation.

19. An order of an appellate authority under Section 18 and, save as otherwise provided in Section 18, an order of the Chief Inspector shall be final and shall not be called in question in any court.

Finality order.

20. Any owner of a boiler who refuses or without reasonable excuse neglects—

Minor penalties.

(a) to surrender a provisional order as required by Section 8, or

(b) to produce a certificate or provisional order when duly called upon to do so under Section 14, or

(c) to make over to the new owner of a boiler a certificate or provisional order as required by Section 15,

shall be punishable with fine which may extend to one hundred rupees.

21. Any owner of a boiler who in any case in which a certificate or provisional order is required for the use of the boiler under this Regulation uses the boiler without any such certificate or order being in force or at a higher pressure than that allowed thereby, shall be punishable with fine which may extend to five hundred rupees and in the case of a continuing offence with an additional fine which may extend to one hundred rupees for each day, after the first day, in regard to which he is convicted of having persisted in the offence.

Penalties for illegal use of boiler.

Other penalties.

22. Any person who

(*a*) being the owner of a boiler fails to cause the register number allotted to the boiler under this Regulation to be marked on the boiler as required by sub-section (6) of Section 6, or

(*b*) makes any structural alteration, addition or renewal in or to a boiler without first obtaining the sanction of the Chief Inspector when so required by Section 11, or to a steam pipe without informing the Chief Inspector when so required by Section 12, or

(*c*) fails to report an accident to a boiler or steam pipe when so required by Section 17, or

(*d*) tampers with a safety valve of a boiler so as to render it inoperative at the maximum pressure at which the use of the boiler is authorised under this Regulation,

shall be punishable with fine which may extend to five hundred rupees.

23. (1) Whoever removes, alters, defaces, renders invisible or otherwise tampers with the register number marked on a boiler in accordance with the provisions of this Regulation or of Regulation repealed hereby, shall be punishable with fine, which may extend to five hundred rupees.

Penalty for tampering with register mark.

(2) Whoever fraudulently marks upon a boiler a register number which has not been allotted to it under this Regulation or the Regulation repealed hereby shall be punishable with imprisonment which may extend to two years or with fine or with both

24. No prosecution for an offence made punishable by or under this Regulation shall be instituted except within six months from the date of the commission of the offence and no such prosecution shall be instituted without the previous sanction of the Chief Inspector or of Our Government

Limitation and previous sanction for prosecution.

Trial of offences.

25. No offence made punishable by or under this Regulation shall be tried by a court inferior to that of a Magistrate of the First Class.

Power to make rules.

26. Our Government may, by notification in Our Government Gazette, make rules consistent with this Regulation for all or any of the following purposes namely:—

(1) for laying down the standard conditions in respect of material, design and construction which shall be required for the purpose of enabling the registration and certification of a boiler under this Regulation ;

(2) for prescribing the method of determining the maximum pressure at which a boiler may be used ;

(3) for regulating the registration of boilers, prescribing the fees payable therefor, the drawings, specifications, certificates and particulars to be produced

by the owner, the method of preparing a boiler for examination, the form of the Inspector's report thereon, the method of marking the register number and the period within which such number is to be marked on the boiler;

(4) for providing for and regulating the inspection and examination of boilers and steam pipes and prescribing forms of certificates therefor;

(5) for ensuring the safety of persons working inside a boiler;

(6) for requiring boilers to be in charge of persons holding certificates of competency, and for prescribing the conditions on which such certificates may be granted;

(7) for regulating inquiries into accidents;

(8) for regulating the transfer of boilers;

(9) for prescribing the fees payable for the issue of renewed certificates and the method of determining the amount of such fees in each case;

(10) for prescribing the times within which the Chief Inspector or the Inspectors shall be required to examine boilers under Section 6 or 7;

(11) for constituting the appellate authority referred to in Section 18, and for determining its powers and procedure;

(12) for determining the mode of disposal of fees, costs and penalties levied under this Regulation;

(13) for regulating and controlling the boilers or steam pipes that may be exempted under the provisions of Section 30; and

(14) generally to provide for any other matter which Our Government may deem necessary for the proper working of this Regulation.

Penalty for breach of rules.

27. Any rule made under Section 26 may provide that a contravention thereof shall be punishable with fine which may extend to one hundred rupees.

Recovery of fees etc.

28. All fees, costs and penalties levied under this Regulation shall be recoverable as arrears of land revenue.

Applicability to boilers belonging to Government.

29. Save as otherwise expressly provided, this Regulation shall apply to boilers and steam pipes belonging to Our Government.

Exemption.

30. (1) Our Government may, by notification in Our Government Gazette, exempt the operation of this Regulation, subject to such conditions and restrictions as they think fit, any boilers or classes or types of boilers used exclusively for the heating of buildings or the supply of hot water.

(2) Our Government may by notification in Our Government Gazette exempt from all or any of the provisions of this Regulation, subject to such rules as may be prescribed by our Government, any boiler or steam pipe which is subject to licensing, registration or control under the laws of any other State.

Repeal of Regulation III of 1082.

31. On and from the commencement of this Regulation, the Travancore Steam Boilers and Prime Movers Regulation, 1082, (III of 1082) shall stand repealed;

Provided that any Inspector appointed under the Regulation so repealed shall be deemed to have been appointed under this Regulation.

Annexure III

REPORT OF THE SELECT COMMITTEE ON THE TRAVANCORE RUBBER CONTROL BILL.

To

The President,

Sri Mulam Assembly.

Sir,

We, the members of the Select Committee appointed to consider the Travancore Rubber Control Bill, have examined its provisions and beg to submit this, our

REPORT.

We have carefully considered the various provisions of the Bill and have no amendments to propose. We recommended that the Bill may be passed as it is.

2. We are of opinion that the Bill need not be re-published.

3. The Bill has been published in the Gazette dated 31st March 1936.

Trivandrum,

7th September 1936.

(Sd.) T. K. Velu Pillai
,, P. C. Kuriyan
,, K. M. Kuriakose
,, K. P. Krishna Menon
,, N. John Joseph
,, K. A. Narayana Pillai
,, N. Abdul Rahiman Sahib
,, E. V. Krishna Pillai
,, S. J. Nair (Subject to Dissenting note)
,, K. Mahomed
,, A. Thanu Pillai
,, K. Paramesvaran Pillai
,, V. K. Velappan Nair.

DISSENTING NOTE BY MR. S. J. NAIR.

I am of opinion that the Bill be dropped. I am against the enactment of any legislation to protect the special interest of persons who pursue a particular system of cultivation, namely the planting of rubber alone. If granting of protection, by controlling the cultivation of any sort of agriculture, is found useful and beneficient, then the interest of not only rubber planters, but also of persons who plant cocoanut palms, and cultivate pepper and tapioca in the State should be safeguard by legislation. It is notpossibls and prociicable to do so. Hence to protect the interest of persons who cultivate rubber alone is not advisable.

Of all sorts of cultivations, the cultivation of rubber has become a paying concern in Travancore. It is true that due to the "dump" in the world market and various other causes, the price of rubber has fallen low in recent times. It is in order "to regulate the production and export of rubber in and from producing countries, with the object of reducing existing world stocks to a normal figure and adjusting in an orderly manner supply to demand and maintaing a fair and equitable price level which will be reasonably remunerative" that the International Rubber Restriction Scheme has come into existence. In other words, the rubber producers of the rubber producing countries have joined together with a view to maintain the "monopoly" in the matter of the cultivation of rubber. This sort of perpetual preservation of vested interests is very bad and unhealthy to the progress of cultivation and for the benefit of the cultivators. Moreover, in the Indian Empire, Travancore, Cochin and British Malabar alone have taken up to the cultivation of rubber. There is great scope in Travancore to extend the rubber cultivation. Also, till recently the cultivation of rubber in Travancore was the monopoly of a few European Planters. Only very recently the ordinary agriculturists in Travancore have taken up the cultivation of rubber. Then all of a sudden the attempt is made to shut out the agriculturists in Travancore from cultivating rubber. To deny the right of cultivating rubber to the agriculturist classes as a whole in the State is not at all conducive to the prosperity of the State and the welfare of the agriculturists.

India is a vast Empire. In India, the Malabar Coast is best suited for rubber cultivation. The day is not distant when Malabar and especially Travancore will have to supply the ever increasing demand of the Indian market for rubber. For instance, in Travancore, there is a Rubber Factory. If the Factory is controlled and worked up properly, the factory can consume a good portion of the rubber produced in Travancore. There is scope for starting additional rubber factories in Travancore. In Calcutta the Dunlop Company is going to start a Rubber Factory on a grand scale. So rubber would soon get a very good market in India itself. Only in case the agriculturists of Malabar Coast, including Travancore, take to the extensive and intensive system of rubber cultivation, the demand of the Indian market for rubber could be reasonably met with. In the face of this, it would not be advisable to control and to regulate the cultivation of rubber in Travancore by the present legislative enactment.

If it is argued that "the International Rubber Restriction Scheme, to which Travancore has adhered, makes it necessary, that legislative provision should be made for restricting the extension of rubber cultivation" etc., I would say, it is well and good that the "quota" (the permissible exportable amounts) of rubber be restricted but, not the area for the cultivation of rubber. We can go one step further. As a sort of discouragement for cultivating rubber; a law may be enacted that those who take up the cultivation of rubber from 1934 onwards would not get of the benefit of the "quota." This would indirectly

control the extension of rubber cultivation. In other words the production and export of rubber may be controlled, but not the actual cultivation of rubber plants.

Introduction, preservation and perpetuation of capitalism in any form or shape is a social evil, economic blunder and national calamity. The International Rubber Restriction Scheme, of which mention is made in the Statement of Objects and Reasons in the Bill, is a concrete instance of this. In a purely agricultural country like Travancore, the introduce of such legislation as the present one would spell danger and lead to serious consequences in respect of the condition and wealth of the agriculturists. The Marquess of Linlithgow (the present Viceroy of India) who was the Chairman of the Royal Commission on Agriculture in India, writes in his recent Booklet "The Indian Peasantry" as follows :—

> "India's wealth in an over-whelming degree is her agriculture...... The peasant, now as ever, is the chief source and creator of both her wealth and her greatness."

What His Excellency writes of the Indian peasantry is literally too true of the Travancore peasantry also. The wealth of Travancore is her agriculture; and to the peasant here is the chief source and creator of our both wealth and our greatness. So, the responsible representatives of the peasantry in the State shall not be parties in permitting legislation of this sort to be enacted, that would cripple the agricultural industry in the State and usher in capitalism of the worst type and sanction the petty and selfish tactics of Imperial preference at the cost of the sacred right of the ordinary agriculturists in the land. Anyhow, since it is stated in the Statement of Objects and Reasons in the Bill that the Travancore Government "has adhered" to the International Rubber Restriction Scheme, certain provisions of the Bill alone need be accept with great caution and restriction; and this legislation with much modification shall be permitted to have a lease of life up to the end of the year 1938 only.

(Sd.) S. J. Nair.

Annexure IV.

THE TRAVANCORE RUBBER CONTROL BILL.

(As passed by the Select Committee.)

A Regulation to provide for the control of the extension of the cultivation of rubber in Travancore and for certain connected matters.

Preamble.

Whereas it is necessary, in view of the International Rubber Restriction Scheme, to provide for the control of the extension of the cultivation of rubber in Travancore and for certain connected matters; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title extent, commencement and duration.

1. (1) This Regulation may be called the Travancore Rubber Control Regulation.

(2) It extends to the whole of Travancore.

(3) It shall come into force on such date as Our Government may appoint in that behalf by Notification in Our Government Gazette and thereafter, shall remain in force up to the 31st day of December 1938, and for such further period as may be specified by Our Government from time to time by Notification in Our Government Gazette.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subjet or context,—

(*a*) "Committee" means the person or body of persons appointed as such by Our Government for the purposes of this Regulation by Notification in Our Government Gazette;

(*b*) "factory" means any premises for the manufacture of articles containing rubber from rubber produced in India;

(*c*) "owner" includes any agent of an owner;

(*d*) "prescribed" means prescribed by rules made by Our Government under this Regulation;

(*e*) "to plant" means to propagate a rubber plant from seed or any living portion of the rubber plant that may be used to propagate it, and "to replant" means to plant in any area carrying rubber plants on the 1st day of June 1934, more than thirty rubber plants in any one acre;

(*f*) "rubber" means—

(i) rubber prepared from the leaves, bark or latex of any rubber plant,

(ii) the latex of any rubber plant whether fluid or coagulated, in any stage of the treatment to which it is subjected during the process of conversion into rubber, and

(iii) latex in any state of concentration, and includes, except where the word is used in Sections 10 and 11 rubber produced in India contained in any article manufactured in India;

(*g*) "rubber plant" includes plants, trees, shrubs or vines of any of the following :—

(i) Hevea Braziliensis (Para Rubber),
(ii) Manihot Glaziovii (Ceara Rubber),
(iii) Castilloa Elastica,
(iv) Ficus Elastica (Rambong) and
(v) any other plant which Our Government, may by Notification in Our Government Gazette, declare to be a rubber plant for the purposes of this Regulation;

(*h*) "sub-committee" means a sub committee appointed by the Committee consisting wholly or partly of the members of the Committee.

PART II.

Control over Extension of Rubber Cultivation.

Control of cultivation of rubber.

3. So long as this Regulation remains in force, no person shall plant rubber plants in any land, or replant any land with rubber plants, save in pursuance of a written permission granted by or on behalf of the Committee under this Regulation.

Permission to plant rubber plants.

4. (1) Permission under Section 3 to plant rubber plants shall be granted only in respect of an area intended for the cultivation of rubber plants for exclusively experimental purposes, and such area shall in every case be limited to the area necessary for such purposes.

(2) The total area in Travancore in respect of which permission to plant rubber may be granted shall be such area, being as nearly as may be one quarter of one per cent. of the total area in Travancore which was planted with rubber plants on the 1st day of June 1934, as Our Government by Notification in Our Government Gazette, may specify in this behalf.

Permission to replant land with rubber plants.

5. Permission under Section 3 to replant land with rubber plants shall be subject to the following limitation namely.—

(*a*) no person shall be permitted to replant in any year more than ten per cent. of the area of his estate that was planted with rubber plants on the 1st day of June 1934, and

(*b*) no person shall be permitted to replant more than twenty per cent. of such area in all before the 31st day of December 1938.

Application for permission to plant or replant.

6. (1) Application for permission to plant rubber plants or to replant land with rubber plants shall be made to the Committee and shall contain a clear statement of all special circumstances justifying the application.

(2) Subject to the provisions of Sections 4 and 5 the Committee may grant or refuse the permission applied for, or may call for further information from the applicant.

(3) No order by the Committee under sub-section (2) shall be called in question in any court.

7. (1) Any applicant aggrieved by an order of the Committee under Section 6 may appeal to Our Government within sixty days from the date thereof, and Our Government may on such appeal cancel, modify or suspend any order of this Committee under that Section.

Appeal to Our Government.

(2) The records of the Committee relating to proceedings under this Part shall be open to inspection at all reasonable times by any officer authorised in this behalf by Our Government.

8. (1) The Committee may serve by Anchal or Post a notice upon the owner of any rubber estate requiring him to furnish, within such period not being less than thirty days as may be specified in the notice, such returns relating to the cultivation of rubber plants on the estate as it may deem necessary to enable it to discharge its duties under this Regulation.

Power of Committee to call for return and to inspect estates.

(2) Any member of the Committee and any officer of the Committee authorised by it in this behalf may, at any reasonable time, enter upon and inspect any portion of any rubber estate, and may require the owner of the estate to produce for inspection any records of the estate in his control or custody relating to the cultivation of rubber plants and the stocks of rubber on the estate.

(3) Where any return required under sub-section (1) in respect of any rubber estate is not furnished to the Committee within the period specified in the notice, the Committee may refuse to grant any permission under Section 6 to plant rubber plants on that estate, or to replant any part of that estate.

PART III.

MISCELLANEOUS.

9. The Committee may serve by Anchal or Post a notice upon the owner of any rubber estate or factory requiring him to furnish, within such period not being less than thirty days as may be specified in the notice, such returns relating to the area planted with rubber or to the production, manufacture, sale or export of rubber produced on the estate or manufactured in the factory as it may deem necessary to enable it to discharge its duties.

Power of Committee to call for returns.

10. The owner of every rubber estate or factory and every person holding stocks of rubber shall submit to the Committee at such time and in such form as may be prescribed a return showing the stocks of rubber held by him together with such further information in regard thereto as may be prescribed.

Submission of returns showing stocks of rubber.

11. Any member of the Committee or of a sub-committee and any officer of the Committee authorised by it in this behalf may, at any reasonable time, enter upon and inspect any factory, and may require any owner of a factory to produce for inspection any records of the factory in his control or custody relating to the manufacture in and export from the factory of rubber or to the stocks of rubber held in the factory.

Member may inspect factories.

12. Our Government may, by Notification in Our Government Gazette, make rules—

Power to make rules.

(a) prescribing the date on which and the form in which returns of stocks shall be submitted to the Committee;

(b) prescribing the further information, if any, to be included in such returns:

(c) generally to carry out the purposes of this Part.

PART IV.

Penalties and Procedure.

13. If default is made in submitting any return as required by Section 10 the owner of the estate or factory, as the case may be shall be punishable with fine which may extend to five hundred rupees.

Penalty for default in submitting return.

14. Any owner of a rubber estate or factory or any person holding stocks of rubber, who has furnished any return under sub-section (1) of Section 8 or Section 9 or Section 10 containing any particular which is false and which he knew to be false or did not believe to be true, shall be punishable with fine which may extend to one thousand rupees.

Penalty for making false return.

15. Whoever obstructs any member of the Committee or of a sub-committee or any officer of the Committee while such member or officer is entering upon or inspecting any rubber estate under sub-section (2) of Section 8 and whoever, having control over or custody of any records of a rubber estate relating to the cultivation and stocks of rubber on that estate; refuses or fails to produce such records when required by a member of the Committee or of a sub-committee or an officer of the Committee under that sub-section, shall be punishable with fine which may extend to one thousand rupees.

Penalty for obstructing inspection of rubber estate.

16. Whoever obstructs any member of the Committee or of a sub-committee or any officer of the Committee while such member or officer is entering upon or inspecting a factory under Section 11 and whoever, having control over or custody of any records of a factory relating to the manufacture in or export from the factory of rubber or to the stocks of rubber held in the factory, refuses or fails to produce such

Penalty for obstructing inspection of factory.

records when required by a member of the Committee or of a sub-committee or an officer of the Committee under that Section shall be punishable with fine which may extend to one thousand rupees.

Penalty for illicit cultivation.

17. Whoever plants rubber plants or causes rubber plants to be planted or replants or causes to be replanted any land in contravention of Section 3 shall be punishable with fine which may extend to one thousand rupees for the first offence, and with fine which may extend to five thousand rupees for any subsequent offence.

Removal of rubber plants planted without permission.

18. When any person has been convicted of an offence under Section 17 the convicting court shall direct that the rubber plants in respect of which the offence was committed shall be removed from the land within a prescribed time, and in the event of the order not being fully complied with shall cause the rubber plants to be removed and recover the cost from the person convicted as if it were an arrear of land revenue due on the rubber estate on which the offence was committed.

Trial of offence under Sections 13, 14, 15, 16 or 17.

19. (1) No Magistrate other than a Magistrate of the First Class shall take cognisance of an offence under Sections 13, 14, 15, 16 or 17 and such Magistrate may take cognizance of such an offence only upon complaint made by a person authorised by the Committee in this behalf, and with the previous sanction of our Government.

(2) The Committee shall be responsible for the conduct of all prosecutions of offences under Sections 13, 14, 15, 16 and 17.

Annexure I.

THE TRAVANCORE RUBBER CONTROL BILL.

(As passed by the Sri Mulam Assembly.)

A Regulation to provide for the control of the extension of the cultivation of rubber in Travancore and for certain connected matters.

Preamble

Whereas it is necessary, in view of the International Rubber Restriction Scheme, to provide for the control of the extension of the cultivation of rubber in Travancore and for certain connected matters; It is hereby enacted as follows :—

PART I.

PRELIMINARY.

Short title extent, commencement and duration.

1. (1) This Regulation may be called the Travancore Rubber Control Regulation.

(2) It extends to the whole of Travancore.

(3) It shall come into force on such date as Our Government may appoint in that behalf by Notification in Our Government Gazette and thereafter, shall remain in force up to the 31st day of December 1938, and for such further period as may be specified by Our Government from time to time by Notification in Our Government Gazette.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subjet or context,—

(*a*) "Committee" means the person or body of persons appointed as such by Our Government for the purposes of this Regulation by Notification in Our Government Gazette;

(*b*) "factory" means any premises for the manufacture of articles containing rubber from rubber produced in India;

(*c*) "owner" includes any agent of an owner;

(*d*) "prescribed" means prescribed by rules made by Our Government under this Regulation;

(*e*) "to plant" means to propagate a rubber plant from seed or any living portion of the rubber plant that may be used to propagate it, and "to replant" means to plant in any area carrying rubber plants on the 1st day of June 1934, more than thirty rubber plants in any one acre;

(*f*) "rubber" means—

(i) rubber prepared from the leaves, bark or latex of any rubber plant,

(ii) the latex of any rubber plant whether fluid or coagulated, in any stage of the treatment to which it is subjected during the process of conversion into rubber, and

(iii) latex in any state of concentration, and includes, except where the word is used in Sections 10 and 11 rubber produced in India contained in any article manufactured in India;

(g) "rubber plant" includes plants, trees, shrubs or vines of any of the following:—

(i) Hevea Braziliensis (Para Rubber),
(ii) Manihot Glaziovii (Ceara Rubber),
(iii) Castilloa Elastica,
(iv) Ficus Elastica (Rambong) and
(v) any other plant which Our Government, may by Notification in Our Government Gazette, declare to be a rubber plant for the purposes of this Regulation:

(h) "sub-committee" means a sub committee appointed by the Committee consisting wholly or partly of the members of the Committee.

PART II.

Control over Extension of Rubber Cultivation.

Control of cultivation of rubber.

3. So long as this Regulation remains in force, no person shall plant rubber plants in any land, or replant any land with rubber plants, save in pursuance of a written permission granted by or on behalf of the Committee under this Regulation.

Permission to plant rubber plants.

4. (1) Permission under Section 3 to plant rubber plants shall be granted only in respect of an area intended for the cultivation of rubber plants for exclusively experimental purposes, and such area shall in every case be limited to the area necessary for such purposes.

(2) The total area in Travancore in respect of which permission to plant rubber may be granted shall be such area, being as nearly as may be one quarter of one per cent. of the total area in Travancore which was planted with rubber plants on the 1st day of June 1934, as Our Government by Notification in Our Government Gazette may specify in this behalf.

Permission to replant land with rubber plants.

5. Permission under Section 3 to replant land with rubber plants shall be subject to the following limitations namely —

(a) no person shall be permitted to replant in any year more than ten per cent. of the area of his estate that was planted with rubber plants on the 1st day of June 1934, and

(b) no person shall be permitted to replant more than twenty per cent. of such area in all before the 31st day of December 1938.

Application for permission to plant or replant.

6. (1) Application for permission to plant rubber plants or to replant land with rubber plants shall be made to the Committee and shall contain a clear statement of all special circumstances justifying the application.

(2) Subject to the provisions of Sections 4 and 5 the Committee may grant or refuse the permission applied for, or may call for further information from the applicant.

(3) No order by the Committee under sub-section (2) shall be called in question in any court.

Appeal to Our Government.

7. (1) Any applicant aggrieved by an order of the Committee under Section 6 may appeal to Our Government within sixty days from the date thereof, and Our Government may on such appeal cancel, modify or suspend any order of this Committee under that Section.

(2) The records of the Committee relating to proceedings under this Part shall be open to inspection at all reasonable times by any officer authorised in this behalf by Our Government.

Power of Committee to call for return and to inspect estates.

8. (1) The Committee may serve by Anchal or Post a notice upon the owner of any rubber estate requiring him to furnish, within such period not being less than thirty days as may be specified in the notice, such returns relating to the cultivation of rubber plants on the estate as it may deem necessary to enable it to discharge its duties under this Regulation.

(2) Any member of the Committee and any officer of the Committee authorised by it in this behalf may, at any reasonable time, enter upon and inspect any portion of any rubber estate, and may require the owner of the estate to produce for inspection any records of the estate in his control or custody relating to the cultivation of rubber plants and the stocks of rubber on the estate.

(3) Where any return required under sub-section (1) in respect of any rubber estate is not furnished to the Committee within the period specified in the notice, the Committee may refuse to grant any permission under Section 6 to plant rubber plants on that estate, or to replant any part of that estate.

PART III.

Miscellaneous.

Power of Committee to call for returns.

9. The Committee may serve by Anchal or Post a notice upon the owner of any rubber estate or factory requiring him to furnish, within such period not being less than thirty days as may be specified in the notice, such returns relating to the area planted with rubber or to the production, manufacture, sale or export of rubber produced on the estate or manufactured in the factory as it may deem necessary to enable it to discharge its duties.

Submission of returns showing stocks of rubber.

10. The owner of every rubber estate or factory and every person holding stocks of rubber shall submit to the Committee at such time and in such form as may be prescribed a return showing the stocks of rubber held by him together with such further information in regard thereto as may be prescribed.

11. Any member of the Committee or of a sub-committee and any officer of the Committee authorised by it in this behalf may, at any reasonable time, enter upon and inspect any factory, and may require any owner of a factory to produce for inspection any records of the factory in his control or custody relating to the manufacture in and export from the factory of rubber or to the stocks of rubber held in the factory.

Member may inspect factories.

12. Our Government may, by Notification in Our Government Gazette, make rules—

Power to make rules.

(a) prescribing the date on which and the form in which returns of stocks shall be submitted to the Committee;

(b) prescribing the further information, if any, to be included in such returns.

(c) generally to carry out the purposes of this Part.

PART IV.

Penalties and Procedure.

13. If default is made in submitting any return as required by Section 10 the owner of the estate or factory, as the case may be shall be punishable with fine which may extend to five hundred rupees.

Penalty for default in submitting return.

14. Any owner of a rubber estate or factory or any person holding stocks of rubber, who has furnished any return under sub-section (1) of Section 8 or Section 9 or Section 10 containing any particular which is false and which he knew to be false or did not believe to be true, shall be punishable with fine which may extend to one thousand rupees.

Penalty for making false return.

15. Whoever obstructs any member of the Committee or of a sub-committee or any officer of the Committee while such member or officer is entering upon or inspecting any rubber estate under sub-section (2) of Section 8 and whoever, having control over or custody of any records of a rubber estate relating to the cultivation and stocks of rubber on that estate; refuses or fails to produce such records when required by a member of the Committee or of a sub-committee or an officer of the Committee under that sub-section, shall be punishable with fine which may extend to one thousand rupees.

Penalty for obstructing inspection of rubber estate

16. Whoever obstructs any member of the Committee or of a sub committee or any officer of the Committee while such member or officer is entering upon or inspecting a factory under Section 11 and whoever, having control over or custody of any records of a factory relating to the manufacture in or export from the factory of rubber or to the stocks of rubber held in the factory, refuses or fails to produce such

Penalty for obstructing inspection of factory.

records when required by a member of the Committee or of a sub-committee or an officer of the Committee under that Section shall be punishable with fine which may extend to one thousand rupees.

Penalty for illicit cultivation.

17. Whoever plants rubber plants or causes rubber plants to be planted or replants or causes to be replanted any land in contravention of Section 3 shall be punishable with fine which may extend to one thousand rupees for the first offence, and with fine which may extend to five thousand rupees for any subsequent offence.

Removal of rubber plants planted without permission.

18. When any person has been convicted of an offence under Section 17 the convicting court shall direct that the rubber plants in respect of which the offence was committed shall be removed from the land within a prescribed time, and in the event of the order not being fully complied with shall cause the rubber plants to be removed and recover the cost from the person convicted as if it were an arrear of land revenue due on the rubber estate on which the offence was committed.

Trial of offence under Sections 13, 14, 15, 16 or 17.

19. (1) No Magistrate other than a Magistrate of the First Class shall take cognisance of an offence under Sections 13, 14, 15, 16 or 17 and such Magistrate may take cognizance of such an offence only upon complaint made by a person authorised by the Committee in this behalf, and with the previous sanction of our Government.

(2) The Committee shall be responsible for the conduct of all prosecutions of offences under Sections 13, 14, 15, 16 and 17.

Annexure II.

REPORT OF THE SELECT COMMITTEE ON THE TRAVANCORE ANCIENT MONUMENTS PRESERVATION BILL.

To

The President,
Sri Mulam Assembly,
Trivandrum.

Sir,

We, the undersigned, members of the Select Committee to which the Travancore Ancient Monuments Preservation Bill was referred, have considered the Bill and beg to submit this our Report together with a copy of the Bill as revised by us.

REPORT.

Clause 2.

1. *Sub-clause* (2), line 1: For the word "include," substitute the word "includes."

3 *Do.* *line* 1: Before the word "Government," insert the word "Our."

3. *Do.* *line* 2: Before the word "injury," insert the word "decay."

Clause 4.

4. *Sub-Clause* (4), *line* 2: Before the word "have," insert the words "continue to".

Clause 9.

5. *Sub-Clause* (2), *line* 2: For the word "him," substitute the word "it."

Clause 18.

6. *Sub-clause* (1), *line* 4: For the words "or by land," substitute the words "by land or by air".

7. *Sub-clause* (3), *line* 2: For the words "shall be liable to confiscation," substitute the words "may be confiscated or otherwise dealt with in any manner prescribed by Our Government."

8. *Sub-clause* (4), *lines* 1 *and* 2: Omit the words "of a grade not lower than Sub-Inspector."

Clause 19,

9 *Sub-clause* (3), *line* 2: For the words "the Commissioner," substitute the words "Our Dewan".

Clause 21.

10. *Sub-clause* (1), *line* 1: Omit the words "for archaeological purposes".

The Committee is of opinion that excavations, even if they may not be for archæological purposes, must be restricted or regulated, if it be necessary in the interests of archæological research.

Line 2 : For the word "and" substitute the word "or."

Clause 22.

11. *Sub-clause* (1) : Omit the words "or any person holding a license under Section 23."

The Committee, by a majority, recommend the above amendment. The reasons for the amendment are the following :

Hidden archæological treasures are considered an asset of the State and, as such, it is not safe that private individuals should be given license to excavate the same and claim a portion of it subsequently. Moreover, the powers to make excavations for archæological purposes are such as cannot be delegated to a licensee by the Government. Private rights and properties should be properly safeguarded.

Clause 23.

12. *Sub-clause* (1). Omit clause (*a*), (*b*) and (*c*) and the lettering "(*d*)" of clause (*d*) so that sub-clause (1) may read as "Our Government may make rules generally to carry out the purposes of Section 21".

13. *Sub-clause* (4). *lines* 1 *and* 2 : Omit the words "or of any condition of the license."

14. *Do.* *lines* 3 *and* 4 : Omit the whole of these lines.

These changes are consequential to the amendment recommended in Clause 21.

Clause 25.

15 *Pragraph* 1, *line* 6 : Omit the portion "Sections 3, 8 to 31, 32, 33, 36 and 40, so far as they can be made applicable".

16. Some clerical mistakes noticed have been corrected in the revised copy.

17. The Bill does not require republication. The Bill has been published in the Gazette dated the 12th November, 1935.

(Signed) T. K. Velu Pillai.
,, T. S. Jayantan Namboodiri.
,, K. Sankaran.
,, K. P. Krishna Menon.
,, T. K. Alexander.
,, S. Padmanabha Menon.
,, P. C. Kurian.
,, N. E. Varughese.
(*Subject to my dissenting note*).
,, S. J. Nair.
,, A. Easwara Pillai.
,, S. Parameswara Iyer.
,, P. K. Narayana Pillai.
,, M. Sivathanu Pillai.
,, K. Parameswaran Pillai.

DISSENTING NOTE BY MR. N. E. VARUGHESE.

Clause 5. Sub-clause (8) line 1.—After the words "Our Government" insert "or the owner."

It is equally desirous that the rights of the owner who may happen to spend money under any agreement with the Government should be safeguarded.

Clause 16. Sub-clause (1) line 1 :—After the words "Subject to" insert the following words "the provision contained in sub-clause (2) of clause 14 and."

This amendment is to maintain the consistency of clauses 14 (2) (a) and 16 (1).

Clause 22. Retain the whole.

I do not agree for the omission of the words "or any person holding a license under Section 23."

Though hidden archæological treasures are to be considered an asset of the State, every reasonable facilities should be granted to private agencies also to excavate the same, provided the interests of the State as the owner is properly and cautiously safeguarded. If the excavation right is confined to State Agency alone, the result may be either the treasures will be hidden for eternity or the venture end in loss to the State. Moreover, the State should encourage private enterprises. Only it should not allow private individuals to exploit the Government.

Similar provision is found in the Indian Act as also in the Cochin and Mysore Enactments.

Clause 23. To be retained without any alterations.

(Sd.) N. E. VARUGHESE,

Annexure III.

THE TRAVANCORE ANCIENT MONUMENTS PRESERVATION BILL.

(As revised by the Select Committee.)

(The words in italics indicate the amendments suggested by the Select Committee.)

A Regulation to provide for the preservation of ancient monuments and of objects of archæological, historical or artistic interest.

Preamble

Whereas it is expedient to provide for the preservation of ancient monuments, for the exercise of control over traffic in antiquities and over excavation in certain places, and for the protection and acquisition in certain cases of ancient monuments and of objects of archæological, historical or artistic interest; It is hereby enacted as follows:—

Short title and extent.

1. (1) This Regulation may be called the Travancore Ancient Monuments Preservation Regulation.

(2) It extends to the whole of Travancore.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context.—

(1) "ancient monument" means any structure, erection or monument or any tumulus or place of interment, or any cave, rock-sculpture, inscription or monolith, which is of historical, archæological or artistic interest, or any remains thereof and includes—

(*a*) the site of an ancient monument;

(*b*) such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument; and

(*c*) the means of access to and convenient inspection of an ancient monument;

(2) "antiquities" *includes* any movable objects which *Our* Government, by reason of their historical or archæological associations, may think it necessary to protect against *decay*, injury, removal or dispersion;

(3) "Commissioner" includes any officer authorised by Our Government to perform the duties of a Commissioner under this Regulation.

(4) "maintain" and "maintenance" include the fencing, covering in, repairing, restoring and cleansing of a protected monument, and the doing of any act which may be necessary for the purpose of maintaining a protected monument or of securing convenient access thereto; and

(5) "owner" includes the karanavan of a marumakkathayam Tarwad, a joint owner invested with powers of management on behalf of himself and other joint owners, and any manager or trustee exercising powers of management over an ancient monument, and the

successor in title of and such owner and the successor in office of any such manager or trustee:

Provided that nothing in this Regulation shall be deemed to extend the powers which may lawfully be exercised by such karanavan, manager or trustee.

Protected monuments.

3. (1) Our Government may, by notification in Our Government Gazettee, declare an ancient monument to be a protected monument within the meaning of this Regulation.

(2) A copy of every notification published under sub-section (1) shall be fixed up in a conspicuous place on or near the monument, together with an intimation that any objections to the issue of the notification received by Our Government within one month from the date when it is so fixed up will be taken into consideration.

(3) On the expiry of the said period of one month, Our Government, after considering the objections, if any, shall confirm or withdraw the notification.

(4) A notification published under this section shall, unless and until it is withdrawn, be conclusive evidence of the fact that the monument to which it relates is an ancient monument within the meaning of this Regulation.

ANCIENT MONUMENTS.

Acquisition of rights in or guardianship of an ancient monument.

4. (1) The Division Peishkar, with the sanction of Our Government, may purchase or take a lease of any protected monument.

(2) The Division Peishkar, with the like sanction, may accept a gift or bequest of any protected monument.

(3) The owner of any protected monument may, by written instrument, constitute the Commissioner the guardian of the monument, and the Commissioner may, with the sanction of Our Government, accept such guardianship.

(4) When the Commissioner has accepted the guardianshp of a monument under sub-section (3), the owner shall, except as expressly provided in this Regulation, *continue to* have the same right, title and interest in and to the monument as if the Commissioner had not been constituted guardian thereof.

(5) When the Commissioner has accepted the guardianship of a monument under sub-section (3), the provisions of this Regulation relating to agreements executed under Section 5 shall apply to the written instrument executed under the said sub-section.

(6) Where a protected monument is without an owner, the Commissioner may assume the guardianship of the monument.

Preservation of ancient monument by agreement with the owner.

5. (1) The Division Peishkar may, with the previous sanction of Our Government, propose to the owner to enter into an agreement with Our Government for the preservation of any protected monument in his district.

(2) An agreement under this section may provide for the following matters, or for such of them as it may be found expedient to include in the agreement:

(*a*) the maintenance of the monument;

(*b*) the custody of the monument, and the duties of any person who may be employed to watch it;

(*c*) the restriction of the owner's right to destroy, remove, alter or deface the monument or to build on or near the site of the monument;

(*d*) the facilities of access to be permitted to the public or to any portion of the public and to persons deputed by the owner or the Division Peishkar to inspect or maintain the monument:

(*e*) the notice to be given to Our Government in case the land on which the monument is situated is offered for sale by the owner, and the right to be reserved to Our Government to purchase such land, or any specified portion of such land, at its market value;

(*f*) the payment of any expenses incurred by the owner or by Our Government in connection with the preservation of the monument;

(*g*) the proprietary or other rights which are to vest in Our Government in respect of the monument when any expenses are incurred by Our Government in connection with the preservation of the monument;

(*h*) the appointment of an authority to decide any dispute arising out of the agreement; and

(*i*) any matter connected with the preservation of the monument which is a proper subject of agreement between the owner and Our Government.

(3) An agreement under this section may be executed by the Division Peishkar on behalf of Our Government, but shall not be so executed until it has been approved by Our Government.

(4) The terms of an agreement under this section may be altered from time to time with the sanction of Our Government and with the consent of the owner.

(5) With the previous sanction of Our Government, the Division Peishkar may terminate an agreement under this section on giving six months' notice in writing to the owner.

(6) The owner may terminate an agreement under this section on giving six months notice to the Division Peishkar.

(7) An agreement under this section shall be binding on any person claiming to be owner of the monument to which it relates, through or under a party by whom or on whose behalf the agreement was executed.

(8) Any rights acquired by Our Government in respect of expenses incurred in protecting or preserving a monument shall not be affected by the termination of an agreement under this section.

6. (1) If the owner is unable, by reason of infancy or other disability, to act for himself, the person legally competent to act on his behalf may exercise the powers conferred upon an owner by section 5.

Owners under disability or not in possession.

(2) In the case of village property, the person exercising powers of management over such property may exercise the powers conferred upon an owner by section 5.

(3) Nothing in this section shall be deemed to empower any person not being of the same religion as the persons in whose behalf he is acting to make or execute an agreement relating to a protected monument which or any part of which is periodically used for the religious worship or observances of that religion.

7. (1) If the Division Peishkar apprehends that the owner or occupier of a monument intends to destroy, remove, alter, deface, or imperil the monument or to build on or near the site thereof in contravention of the terms of an agreement for its preservation under section 5, the Division Peishkar may make an order prohibiting any such contravention of the agreement.

Enforcement of agreement.

(2) If an owner or other person who is bound by an agreement for the preservation or maintenance of a monument under section 5 refuses to do any act which is in the opinion of the Division Peishkar necessary to such preservation or maintenance, or neglects to do any such act within such reasonable time as may be fixed by the Division Peishkar, the Division Peishkar may authorise any person to do any such act and the expense of doing any such act or such portion of the expense as the owner may be liable to pay under the agreement may be recovered from the owner as if it were an arrear of land revenue.

(3) A person aggrieved by an order made under this section may appeal to Our Dewan who may cancel or modify it and whose decision shall be final.

8. Every person who purchases at a sale for arrears of land revenue or any other demand recovered as if it were an arrear of land revenue any land in which is situated a monument in respect of which any instrument has been executed by the owner for the time being, under section 4 or section 5, and every person claiming any title to a monument from, through or under an owner who executed any such instrument, shall be bound by such instrument.

Purchasers at certain sales and persons claiming through owner bound by instrument executed by owner.

9. (1) If any owner or other person competent to enter into an agreement under section 5 for the preservation of a protected monument, refuses or fails to enter into such an agreement when proposed to him by the Division Peishkar and if any endowment has been created for the purpose of keeping such monument in repair, or for that purpose along with others, the Division Peishkar may make an application to the District Court for the proper application of such endowment or part thereof.

Application of endowment to repair an ancient monument.

(2) On the hearing of an application under sub-section (1), the District Court may summon and examine the owner and any person whose evidence appears to *it* necessary, and may pass an order for the proper application of the endowment or of any part thereof, and any such order may be executed as if it were the decree of such Court.

Compulsory purchase of ancient monuments.

10. (1) If Our Government apprehends that a protected monument is in danger of being destroyed, injured or allowed to fall into decay, Our Government may proceed to acquire it under the provisions of the Land Acquisition Regulation, as if the preservation of a protected monument were a " public purpose " within the meaning of that Regulation.

(2) The powers of compulsory purchase conferred by sub-section (1) shall not be exercised in the case of—

(*a*) any monument which or any part of which is periodically used for religious observances ; or

(*b*) any monument which is the subject of a subsisting agreement executed under section 5.

(3) In any case other than the cases referred to in sub-section (2) the said powers of compulsory purchase shall not be exercised unless the owner or other person competent to enter into an agreement under section 5 has failed, within such reasonable period as the Division Peishkar may fix in this behalf, to enter into an agreement proposed to him under the said section or has terminated or given notice of his intention to terminate such an agreement.

Power of Government to control mining etc., near ancient monument.

11. (1) If our Government are of opinion that mining, quarrying excavating, blasting and other operations of a like nature should be restricted or regulated for the purpose of protecting or preserving any ancient monument, our Government may, by notification in our Government Gazette make rules—

(*a*) fixing the boundaries of the area to which the rules are to apply,

(*b*) forbidding the carrying on of mining, quarrying, excavating, blasting or any operation of a like nature except in accordance with the rules and with the terms of a license, and

(*c*) prescribing the authority by which, and the terms on which, licenses may be granted to carry on any of the said operations.

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

(3) A rule made under this section may provide that any person committing a breach thereof shall be punishable with fine which may extend to two hundred rupees.

(4) If any owner or occupier of land included in a notification under sub-section (1) proves to the satisfaction of our Government that he has sustained loss by reason of such land being so included, Our Government shall pay compensation in respect of such loss.

Maintenance of certain protected monuments.

12. (1) The Commissioner shall maintain every monument in respect of which Our Government has acquired any of the rights mentioned in section 4 or which Our Government has acquired under section 10.

(2) When the Commissioner has accepted the guardianship of a monument under section 4, he shall, for the purpose of maintaining such monument, have access to the monument at all reasonable times, by himself and by his agents, subordinates and workmen, for the purpose of inspecting the monument, and for the purpose of bringing such materials and doing such acts as he may consider necessary or desirable for the maintenance thereof.

Voluntary contributions.

13. The Commissioner may receive voluntary contributions towards the cost of maintaining a protected monument and may give orders as to the management and application of any funds so received by him :

Provided that no contribution received under this section shall be applied to any purpose other than the purpose for which it was contributed.

Protection of place of worship from misuse, pollution or desecration.

14. (1) A place of worship or shrine maintained by Our Government under this Regulation shall not be used for any purpose inconsistent with its character.

(2) Where the Division Peishkar has, under section 4, purchased or taken a lease of any protected monument, or has accepted a gift or bequest, or the Commissioner has under the same section, accepted the guardianship thereof, and such monument or any part thereof, is periodically used for religious worship or observances by any community, the Division Peishkar shall make due provision for the protection of such monument, or such part thereof, from pollution or desecration—

(*a*) by prohibiting the entry therein, except in accordance with conditions prescribed with concurrence of the persons in religious charge of the said monument or part thereof, of any person not entitled so to enter by the religious usages of the community by which the monument or part thereof is used ; or

(*b*) by taking such other action as he may think necessary in this behalf.

Relinquishment of Government rights in a monument.

15. With the sanction of our Government, the Commissioner may—

(*a*) where rights have been acquired by our Government in respect of any monument under this Regulation by virtue of any sale lease, gift or will, relinquish the rights so acquired to the person who would for the time being be the owner of the monument if such rights had not been acquired ; or

(b) relinquish any guardianship of a monument which he has accepted under this Regulation.

Rights of access to certain protected monuments.

16. (I) Subject to such sules as may after previous publication be made by our Government, the public shall have a right of access to any monument maintained by our Government under this Regulation.

(2) In making any rule under sub section (1) our Government may provide that a breach of it shall be punishable with fine which may extend to twenty rupees.

Penalties.

17. Any person other than the owner who destroys, removes, injures, alters, defaces or imperils a protected monument and any owner who destroys, removes, injures, alters, defaces or imperils a monument maintained by Our Government under this Regulation or in respect of which an agreement has been executed under section 5, and anyowner or occupier who contravenes an order made under section 7, sub section (1), shall be punishable with fine which may extend to five thousand rupees, or with imprisonment which may extend to three months, or with both.

TRAFFIC IN ANTIQUITIES.

Power of Government to control traffic in antiquities.

18. (1) If our Government apprehend that antiquities are being sold or removed to the detriment of Travancore or of any neighbouring country, they may, by notification in Our Government Gazette, prohibit or restrict the bringing or taking by sea, *by land or by air* of any antiquities or class of antiquities described in the notification into or out of Travancore or any specified part of Travancore.

(2) Any person who brings or takes or attempts to bring or take any such antiquities into or out of Travancore or any part of Travancore in contravention of a notification issued under sub-section (1) shall, be punishable with fine which may extend to five hundred rupees.

(3) Antiquities in respect of which an offence referred to in sub-section (2) has been committed *may be confiscated or otherwise dealt with in any manner prescribed by Our Government.*

(4) Any officer of Customs, or any officer of Police, duly empowered by our Government in this behalf, may search any vessel, cart or other means of conveyance, and may open any baggage or package of goods, if he has reason to believe that goods in respect of which an offence has been committed under sub-section (2) are contained therein.

(5) A person who complains that the power of search mentioned in sub-section (4) has been vexatiously or improperly exercised may address his complaint to Our Government and Our Government shal pass such order and may award such compensation, if any, as appears to them to be just.

PROTECTION OF SCULPTURES, CARVINGS, IMAGES, BAS-RELIEFS, INSCRIPTIONS OR LIKE OBJECTS.

Power to Government to control moving of scriptures carvings or like objects

19. (1) If Our Government consider that any sculptures, carvings, images, bas-reliefs, inscriptions or other like objects ought not to be moved from the place where they are without the sanction of Our Government, Our Government may by notification in Our Government Gazette, direct that any such object or any class of such objects shall not be moved unless with the written permission of the Division Peishkar.

(2) A person applying for the permission mentioned in sub-section (1) shall specify the object or objects which he proposes to move and shall furnish, in regard to such object or objects, any information which the Division Peishkar may require.

(3) If the Division Peishkar refuses to grant such permission, the applicant may appeal to *Our Dewan* whose decision shall be final.

(4) Any person who moves any object in contravention of a notification issued under sub-section (1), shall be punishable with fine which may extend to five hundred rupees.

(5) If the owner of any property proves to the satisfaction of Our Government that he has suffered any loss or damage by reason of such property in a notification published under sub-section (1), Our Government shall either—

(*a*) exempt such property from the said notification;

(*b*) purchase such property, if it be movable, at its market-value; or

(*c*) pay compensation for any loss or damage sustained by the owner of such property if it be immovable.

Purchase of sculptures, carvings or like objects by Government.

20. (1) If Our Government apprehend that any object mentioned in a notification issued under Section 19, sub-section (1) is in danger of being destroyed, removed, injured or allowed to fall into decay, Our Government may pass orders for the compulsory purchase of such object at its market value, and the Division Peishkar shall thereupon give notice to the owner of the object to be purchased.

(2) The powers of compulsory purchase given by this section shall not extend to—

(*a*) any image or symbol actually used for the purpose of any religious observance; or

(*b*) anything which the owner desires to retain on any reasonable ground personal to himself or to any of his ancestors or to any member of his family.

ARCHÆOLOGICAL EXCAVATION.

Power of Government to notify areas as protected.

21. (1) If Our Government are of opinion that excavation in any area should be restricted *or* regulated in the interests of archæological research, Our Government may, by notification in Our Government Gazette specifying the boundaries of the area, declare it to be a protected area.

(2) From the date of such notification all antiquities buried in the protected area shall be the property of Our Government and shall be deemed to be in the possession of Our Government and shall remain the property and in the possession of Our Government until ownership thereof is transferred ; but in all other respects the rights of any owner or occupier of land in such area shall not be affected.

Power to enter upon and make excavations to a protected area.

22. (1) Any officer of the Archæological Department may, with the written permission of the Division Peishkar, enter upon and make excavations in any protected area.

(2) Where, in the exercise of the power conferred by sub-section (1), the rights of any person are infringed by the occupation or disturbance of the surface of any land, Our Government shall pay to that person compensation for the infringement.

Power of Government to make rules regulating archæological excavation in protected areas.

23. (1) Our Government may make rules generally to carry out the purposes of Section 21.

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

(3) Such rules may be general for all protected areas for the time being, or may be, special for any particular protected area or areas.

(4) Such rules may provide that any person committing a breach of any rule shall be punishable with fine which may extend to five thousand rupees.

Power to acquire a protected area.

24. If Our Government are of opinion that a protected area contains an ancient monument or antiquities of national interest and value, Our Government may acquire such area or part under the Land Acquisition Regulation, as for a public purpose.

GENERAL.

Assessment of market value or compensation.

25. The market-value of any property which Our Government are empowered to purchase at such value under this Regulation, or the compensation to be paid by Our Government in respect of any thing done under this Regulation shall, where any dispute arises in respect of such market-value or compensation; be ascertained in the manner provided by the Land Acquisition Regulation: Provided that when making an inquiry under the said Land Acquisition Regulation, the Division Peishkar shall be assisted by two assessors, one of whom shall be a competent person nominated by the Division Peishkar and one a person nominated by the owner or in case the owner fails to nominate an assessor within such reasonable time as may be fixed by the Division Peishkar in this behalf, by the Division Peishkar.

26. A Magistrate of the third class shall not have jurisdiction to try any person charged with an offence against this Regulation.

Jurisdiction.

27. (1) Our Government may make rules for carrying out any of the purposes of this Regulation.

Power to make rules.

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

28. No suit for compensation and no criminal proceedings shall lie against any public servant in respect of any act done, or in good faith intended to be done, in the exercise of any power conferred by this Regulation.

Protection to public servants acting under Regulation.

Annexure IV.

REPORT OF THE SELECT COMMITTEE ON THE TRAVANCORE CO-OPERATIVE SOCIETIES BILL.

To

The President,
Sri Mulam Assembly,
Trivandrum.

Sir,

We, the undersigned members of the Select Committee appointed to consider and report on the Travancore Co-operative Societies Bill, have considered the Bill and beg now to submit this our

REPORT.

We have considered the Bill clause by clause and we note below the amendments that we recommend.

CLAUSE 1.

1. *Sub-clause (2) line 1:* After the word "on", add the words "such date as Our Government may appoint in that behalf by notification in Our Government Gazette".

CLAUSE 2.

2. *Sub-clause (b)*: Substitute the following: -

"Committee" means the governing body of a registered Society to whom the management of its affairs is entrusted".

3. *Sub-clause (c) line 3*: For the words "or any", substitute the word "and".

4. *Sub-clause (d) line 2*: After the words "Assistant Secretary", insert the word "Treasurer".

5. *Sub-clause (e) line 1*: After the words 'Registered Society", insert "or Society".

6. *Sub-clause (f) line 1*: For the word "includes", substitute the word "means".

7. After sub-clause (g), add the following: -

"(*h*) prescribed" means prescribed by Rules made by Our Government under this Regulation".

CLAUSE 3.

8. *Line 2*: Omit the words "or any portion of it". The Committee is of opinion that there should not be more than one Registrar at a time. The reasons for this view are—

(*i*) the prestige of the department;
(*ii*) the proper co-ordination of work of the department; and
(*iii*) the fact that there is not more than one Registrar in any of the Provinces of British India, or in Hyderabad or Mysore.

CLAUSE 4.

9. *Second Proviso, line 2*: Omit the word "once" and "by the Registrar" and change the word "his" into "the".

We recommend this amendment in order to make it clear that the decision whether by the Registrar or by the Government, made at the time of registration, should be final. The possibility of a decision by Government arises in view of a possible appeal to Government.

CLAUSE 5.

10. *Sub-clause (1) line 1:* For the words "provisions in", substitute the words "first proviso to".

11. *Sub clause (1) Proviso line 1:* After the word "writing", insert the words "in the prescribed manner".

12. *Sub-clause (2):* Add at the end, the words " in the prescribed manner".

CLAUSE 7.

13. *Sub-clause 1:* Omit the lettering "(a)" of clause (a), and the word "or" occuring at the end of clause (a) and omit clause (b) so that the sub-clause (1) may read as—

"No society, other than a society.........unless such persons reside in the same town or village or in the same group of villages."

and to the sub-clause (1) amended as above add the following Explanation:—

" *Explanation.*—Nothing in this sub-section shall be deemed to prohibit the registration, in exceptional cases, of societies restricted to members of the same tribe, class, caste or occupation "

The Committee is of opinion that the restriction that the members o a society should be of the same village or group of villages should apply also to communal or occupational societies.

The Committee is also of opinion that even if there be the restriction that the members should be of the same village or group of villages, communal or occupational societies may be registered.

The Explanation is proposed in order to make clear that the object of the Committee in deleting clause (b) of sub-clause (1) is not to prohibit the formation of communal societies, but only to discourage it.

CLAUSE 8.

14. *Line 4:* Omit the word "more".

CLAUSE 12.

15. *Sub-clause (2)* : Add the following sentence at the end :—

"In the case of refusal an appeal shall lie to Our Government within two months from the date of the issue of the order of refusal."

16. Below clause 12 and above clause 13, insert the heading "General Meetings".

CLAUSE 13.

17. Substitute the following for clause 13.

"Every registered society shall call an annual general meeting of its members within the time prescribed therefor".

CLAUSE 14.

18. *Sub-clause (1)* : Insert the words "not less than", before the word " one-fifth".

19. Below clause 14 and above clause 15, insert the following heading; "Changes subsequent to Registration".

CLAUSE 16.

20. *Sub-clause (1) (a) line 6*: Omit the word "may" which occurs as the last word in that line.

CLAUSE 20.

21. *Line 1*: Insert the word "registered", after the word "every"

22. *Line 2*: Substitute the word "give", for "send" occurring in the line.

CLAUSE 21.

23. Substitute the following for clause 21: --

"Every registered society shall keep open to inspection, free of charge, at all reasonable times at the registered address of the society --

(a) a copy of this Regulation,

(b) a copy of the Rules governing such society,

(c) a copy of the bye-laws of such society, and

(d) the register of its members.

The above change is proposed on the lines of Section 21 of the Bombay Act.

CLAUSE 22.

24. *Sub-clause (3), Second para, line 1*: For the word "Manager" substitute the word "Secretary".

25. Sub-clause (4) (ii), line 1: After the words "affairs of", insert the words "the society or".

CLAUSE 23.

26. *Line 5*: For the words "of its constitution", substitute the words "for which it was constituted".

CLAUSE 24.

27. *Line 1*: For the words "any prior claim of", substitute the words "the prior claim, if any, of Our".

28. *Lines 2 and 3*: Omit the words "or any money recoverable as rent".

CLAUSE 27.

29. *Sub-clause (1) line 4*: Substitute a comma for the full stop before the word "If" and change the capital 'I' of the said 'If' into a small 'i'.

30. Line 7: Substitute the word "admitted", for the word 'elected".

CLAUSE 30.

31. *Sub-clause (1)*: Omit the numbering "(1)" of sub clause (1) and omit sub-clause (2).

CLAUSE 31.

32. *Line 1*: Omit the words "a decree or order of a civil court".

We are of opinion that such decrees or orders must be left to be executed by the Civil Courts.

33. *Line 3 and subsequent lines*: For the words "the Registrar or any person subordinate to him empowered by the Registrar in this behalf may, subject to such rules as may be prescribed by Our Government recover the amount due under such decree, award or order together with interest, if any, due thereon, and costs of the process by the attachment and sale of the property of the person against whom such decree, decision, award or order is obtained" substitute the following :—

"any such money may be recovered as arrears of public revenue under the Revenue Recovery Regulation, I of 1068, subject to such rules, if any, as may be prescribed, and Our Government may for such purposes confer on the Registrar or any officer suborninate to him the powers of a Division Peishkar or other officer under the said Regulation ;" and

add the following :—

"Provided that the powers of a Division Peishkar shall not be conferred on any officer who is inferior in rank to that of an Assistant Registrar.

Explanation. —Any right of appeal or application for revision or Civil suit available in respect of the orders or actions under the Revenue Recovery Regulation, I of 1068, shall be available to the parties."

CLAUSE 34.

34. Add the following as an explanation :—

"*Explanation.*—Nothing in this Section shall be construed as entitling Our Government to become a member of any society without the society admitting Government as a member".

CLAUSE 39.

35. *Sub-clause* (2) : For sub clause (2), substitute the following :—

"In the case of a society with unlimited liability at least one-fourth of the net profits of the society each year shall be carried to the Reserve Fund and in the case of any other society at least one tenth of the net profits of the society each year shall be carried to the Reserve Fund ; and such Reserve Fund shall not be used in the ordinary business of the society, but may, subject to the provisions of Section 37, be invested as Our Government may by general or special order direct or may, with the previous sanction of Our Government, be used in part for some public purpose likely to promote the objects of this Regulation or for some purposes of local interest or may be drawn upon to the extent of not more than twenty five per cent. thereof for purposes sanctioned by the Registrar."

We are of opinion that the Reserve Fund should not be used in the ordinary business of the society and should not be used for purposes sanctioned by the Registrar except to the extent of 25 per cent. of the Reserve Fund.

CLAUSE 42.

36. *Line 2* : After the word "contribute" insert the word "subject to the approval of the Registrar".

We are of opinion that without the Registrar's approval no amount should be contributed for any religions or charitable purposes.

CLAUSE 43.

37. *Sub-clause (1), line 1 and 2* : Omit the word "on the request of the Division Peishkar or".

We are of opinion that it is not expedient to give the Peishkar such a power to move the Registrar.

CLAUSE 44.

38. *Sub-clause (1) lines 1 and 2* : Delete the words "or of his own motion"

39. *Line 4 and 5* : Omit the words "and the Registrar or the person so authorised shall have all the powers of the Registrar when holding an inquiry under Section 43".

The Committee is of opinion that even without such a special provision the Registrar has got all powers.

Some members of the Committee are of opinion that the Registrar need not be given all the powers under Section 43.

CLAUSE 45.

40. *Line 4* : After the word "inspection" insert the word "and".

41. *Line 5* : Add the following at the end :—

"In accordance with such rules as may be made by Our Government".

CLAUSE 47.

42. For clause 47, substitute the following :—

"47 (1). If, in the opinion of the Registrar, the Committee of any registered Society is not functioning properly, he may, after giving an opportunity to the Committee to state its objections, and after recording a finding that the objections are unsatisfactory, (if such be his finding) call upon the members of the Society to appoint a new Committee within such time, not being less than one month, as may be fixed by him. If a new Committee is not appointed accordingly or if the Committee appointed is, after trial for six months, found wanting in the opinion of the Registrar, and if the Registrar is of opinion that, in the circumstances of the case, it is undesirable to order the cancellation of the registration of the Society, he may, by order in writing, dissolve the Committee and appoint a suitable Committee consisting of as many members of that Society as he may deem necessary to manage the affairs of the Society for a specific period not exceeding one year. The period specified in such order may at the discretion of the Registrar, be extended from time to time, provided that such order shall not remain in force for more than two years in the aggregate.

(2) The Committee so appointed by the Registrar shall have all such powers, rights and responsibilities as a Committee of the Society has according to the Bye laws of the Society.

(3) The Committee appointed by the Registrar shall, at the expiry of the period of its appointment, arrange for the constitution of a new Committee in accordance with the Bye-laws of the Society.

(4) Before taking action under sub-section (I) in respect of any Society, the registrar shall, in the prescribed manner, consult such body of persons, if any, as may be prescribed by Our Government, in that behalf, regarding the action and regarding such other matters as may be prescribed.

(5) Nothing in this Section shall be deemed to affect the powers of the Registrar to cancel the registration of any society under any other Section".

The Committee agreed to the principle of the supersession of Committee of a society ; but they were of opinion that an outside body should not be allowed to assume management of the affairs of the society. The above substituted clause is therefore proposed.

CLAUSE 48.

43. *Sub-clause* (5): Omit this sub-clause.

It is considered that while the Society still retains its corporate status, no bar should be placed against its transacting business.

CLAUSE 51.

44. *Sub-clause* (3) (*b*): Omit the words "or to the Registrar".

45. Omit sub-clauses (5) and 6) and renumber the remaining sub-clauses,

46. *Sub-clause* (8), *line 1*: Before word "appeal", insert the words "in the prescribed manner".

CLAUSE 52.

47. For Clause 52, substitute the following:—

"Save in so far as is expressly provided in this Regulation,

(*a*) no civil court shall take cognizance of any matter connected with the winding up, dissolution or cancellation of the registration of a society under this Regulation, and

(*b*) no suit or other legal proceedings shall lie or be proceeded with in respect of any order of the liquidator or of the Registrar passed in appeal therefrom except by leave of the Registrar or, in case such leave is refused by the Registrar, by leave of the District Court having local jurisdiction and subject to such terms, if any, as the Registrar or the District Court, as the case may be, may impose."

CLAUSE 55.

48. *Line 1*: For the words "or otherwise", substitute the words "or when acting under Section 56".

49. *Lines 6 & 7*: Before the word "remove", insert the words "conceal or", and omit the words "from the local limits of the jurisdiction of the Registrar"

50. *Lines 8 to 10*. For the words "the Registrar may, unless adequate security is furnished, direct the conditional attachment of the said property or such part thereof as he thinks necessary and such attachment shall have the same effect as if it had been made by a competent civil court", substitute the following:—

"the Registrar may, unless adequate security is furnished, direct the conditional attachment of the said property or such part thereof as he thinks necessary. Such attachment shall be treated as an attachment or distraint, as the case may be, effected by the Tahsildar of the place where the property attached is situated under the provisions of the Revenue Recovery Regulation, 1 of 1068, and all the remedies available to aggrieved persons under the provisions of the said Regulation in respect of any attachment of distraint effected by the Tahsildar shall also be available"

CLAUSE 56.

51. *Sub-clause* (1), *line 1*: After the word "Society", insert "(other than a dispute regarding disciplinary action taken by the society or its Committee against a paid servant of the Society)".

52. *Line 6*: After the word "servant", insert the words "past or present",

53. *Line 7*: After the word "servant", insert the words "past or present".

54. *Explanation.*—For this Explanation, substitute the following Explanation :—

Explanation.—A claim by a registered Society for any debt or demand due to it from a member, past member or the nominee, heir or legal representative of a deceased member, whether such debt or demand be admitted or not, is a dispute touching the business of the Society within the meaning of this sub-section".

55. *Sub-clause* (2): After clause (c), insert the following proviso :—

"Provided that if any party to the dispute applies for action being taken under clause (c), the Registrar shall act accordingly"

56. *Sub-clause* (4): Omit.

57. *Sub clause* (5): Re-number this as sub-clause (4) and add to the sub-clause so re-numbered, the following proviso, namely :—

"Provided that where the decision sought to be revised is a decision made by arbitrator or arbitrators appointed in pursuance of the provisions of the proviso to sub-section (2) the Registrar shall not modify the decision but may, if he thinks it necessary or desirable, refer the dispute again as under clause (c) of sub-section (2)".

CLAUSE 57.

58. For this clause, substitute the following namely :—

"57 (1) Any decision passed by the Registrar under clause (a) of sub-section (2) of Section 56 or under sub-section (4) of the same section shall be final and shall not be called in question in any civil court.

(2) Any decision that may be passed by the person to whom a reference is transferred or by the arbitrator or arbitrators to whom it is referred under sub-section (2) of Section 56 shall, save as otherwise provided in sub-section (4) of the same section, be final and shall not be called in question in any civil court".

CLAUSE 58.

59. *Line 3 & 4*: Omit the words "or shall make inspection under Section 44".

60. *Line 4*: For the word "such" occurring before the word "Registrar" insert the word "the".

61 *Line 5*: After the word "shall", insert the words "subject to such rules as may be passed by Our Government for the payment of batta to the witnesses".

62. *Line 6*: After the word "attendance", insert the words "at the head-quarters of the society concerned".

CLAUSE 59.

63. For the word "a" occurring before the word "liquidator", substitute the word "the".

64. *Line 4*: After the word "court", insert the words "having local jurisdiction".

65. *Sub-Clause* (2).—Omit this sub-clause.

Such a provision seems impracticable and would in any event lead to complications.

CLAUSE 60.

66. *Line 2* : After the word "thereof", insert the words "in contravention of the provisions of this Regulation".

67. *Line 3* : After the word "information", insert the words "or wilfully neglects or omits to call a general meeting or special general meeting of the society".

CLAUSE 61.

68. For clause 61, substitute the following :—

"61. Any member or past member or the nominee, heir or legal representative of a deceased member who fraudulently disposes of any property in respect of which the society is entitled to claim priority under Section 24, or fraudulently does any other act to the prejudice of such claim shall be punishable with fine not exceeding two hundred rupees."

CLAUSE 65.

69. *Line 3* : After the word "themselves", insert the words "or himself".

70 *Line 8* : Add the following sentence at the end :—"The revising authority may also pass any interim order on such conditions or otherwise as it deems fit".

CLAUSE 66.

71. *Sub-clause* (2) Omit this sub-clause, including the proviso.

The Committee consider that the liability of the members to third parties should not arise while the Society is still intact and before its liquidation. Hence we recommend the omission of this sub-clause.

CLAUSE 73.

72. Omit this and re-number the rest.

This clause is considered by us to be unnecessary, in any event at the present stage.

CLAUSE 74.

73. Omit this clause.

It was pointed out that this provision was put in so that the Registrar may be given an opportunity to set matters right. But the majority consider that when a right of suit is conceded it is not fair that the intending suitor should be fettered by such restrictions. The majority also relied upon the fact that the latest Madras Act has omitted a similar provision contained in the Bombay Act.

NEW CLAUSE 73.

74. After clause 72, insert the following clause as clause 73 :—

"73. Where under this Regulation or any rule made thereunder any sum due to a registered society from any person is recoverable as arrears of land revenue and the immovable property of such person if brought to sale under the provisions of the Revenue Recovery Regulation (Regulation I of 1068) and the society is the purchaser at such sale, the provisions of section 32 of the said Regulation shall apply thereto as if for the fourth and fifth clauses thereof the following clauses were substituted, namely :—

Fourth—The sum due to the purchaser may be set off in whole or in part for which he purchased the money and the remainder, if any, of the purchase money shall be paid to the officer conducting the sale within thirty days of the date of the sale.

Fifth :—Where the purchaser refuses or omits to complete the payment of the remainder, if any, of the purchase money the property shall be resold at the expense and hazard of such purchaser and the amount of all loss or expense which may attend such refusal or omission shall be recoverable from such purchaser in the same manner as arrears of land revenue. Where the property, on the second sale sells for a higher price than at the first sale, the difference or increase shall be the property of him on whose account the first sale was made."

CLAUSE 75.

75. This should be re-numbered as clause 74.

CLAUSE 74 (Re-numbered).

76. *Sub-clause* (2) (*h*), *line 3*: Omit the word "other."

77. *Sub-clause* (2) (*w*), *line 1*: Omit the words "subject to the provisions of this Regulation".

78. *Line 3*: Omit the word "all".

79 Some clerical mistakes noticed have been corrected in the copy.

80. A copy of the Bill as revised is submitted herewith.

81. The Bill as revised must be republished.

(Sd.) T. K. Velu Pillai, (*Chairman*).
" K. C. Karunakaran.
" M. Govinda Pillai.
" A. Thanu Pillai.
" K. Kunjukrishna Pillai.
" K. Parameswaran Pillai.
" P. K. Narayana Pillai, *subject to the right of moving Amendments*.
" Pottayil S. Krishna Panicker, *subject to the right of moving Amendments*.
" N. John Joseph.
" A. S. Damodaran Asan.
" Edavanatt S. Padmanabha Menon, *subject to the right of moving Amendments*.
" P. Chidambaram Pillai.
" K. Mohammad.
" A. Easwara Pillai.
" J. M. Joseph.
" M. Sivatanu Pillai.
" T. P. Velayudan Pillai.
" K. A. Narayana Pillai.
" T. Narayani Amma.

Annexure V.

THE TRAVANCORE CO-OPERATIVE SOCIETIES BILL.

(As revised by the Select Committee).

The words in italics indicate the amendments suggested by the Select Committee.

Premable.

Whereas it is expedient further to faciliate the formation and working of Co-operative Societies for the promotion of thrift, self-help and mutual aid among agriculturists and other persons with common economic needs so as to bring about better living, better business and better methods of production and for that purpose to consolidate and amend the law relating to Co-operative Societies in Travancore; It is hereby enacted as follows :—

PRELIMINARY.

Short title and extent.

1. (1) This Regulation may be called the Travancore Co-operative Societies Regulation 111...

(2) It shall come into force on *such date as Our Government may appoint in that behalf by notification in Our Government Gazette.*

(3) It shall extend to the whole of Travancore.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context;—

(a) "Bye-laws" means the registered bye-laws for the time being in force and includes a registered amendment of the bye-laws;

(b) *"Committee" means the governing body of a registered Society to whom the management of its affairs is entrusted;*

(c) "Member" includes a person joining in the application for the registration of a society and a person admitted to membership after registration in accordance with the bye-laws *and rules*;

(d) "Officer" includes a Chairman, Vice-Chairman, a President, Vice-President, Secretary, and Assistant Secretary, *Treasurer*, Member of Committee and any other person empowered under the rules or bye-laws to give directions in regard to the business of the society;

(e) "Registered Society" *or Society* means a society registered or deemed to be registered under this Regulation;

(f) "Registrar" *means* a person appointed to perform the duties of a Registrar of Co-operative Societies under this Regulation;

(g) "Rules" means rules made under this Regulation and

(h) *"prescribed" means prescribed by rules made by Our Government under this Regulation.*

REGISTRATION.

The Registrar

3. Our Government may appoint a person to be Registrar of Co-operative Societies for the whole of Travancore and may appoint persons to assist such Registrar and may by general or special order confer on any such persons all or any of the powers of a Registrar under this Regulation.

Soities which may be Registered.

4. Subject to the provisions hereinafter contained, a society which has as it is object the promotion of the economic interests of its members in accordance with co-operative principles, or a society established with the object of facilitating the operations of such a society, may be registered under this Regulation with or without limited liability:

Provided that unless our Government by General or special order otherwise directs—

(i) The liability of a society of which a member is a registered society shall be limited; and

(ii) the liability of a society of which the primary object is the creation of funds to be lent to its members, and of which the majority of the members are agriculturists and of which no member is a registered society shall be unlimited and the members of such a society shall, on its liquidation be jointly and severally liable for and in respect of all its obligations:

Provided further that when the question whether the liability of a society is limited or unlimited has been decided at the time of registration, *the* decision shall be final.

Change of liability.

5. (1) Subject to the *first proviso to* Section 4 and to any rules made in this behalf, a Registered society may, with the previous sanction of the Registrar, change its liability from limited to unlimited or from unlimited to limited;

Provided that—

(i) the society shall give notice in writing in *in the prescribed manner* of its intention to change its liability to all its members and creditors;

(ii) any member or creditor shall, notwithstanding any bye-law or contract to the contrary, have the option of withdrawing his shares, deposits or loans, as the case may be within three months of the service of such notice on him and the change shall not effect until all such claims have been satisfied; and

(iii) any member or creditor, who does not exercise his option within the period aforesaid, shall be deemed to have assented to the change.

(2) Notwithstanding anything contained in the proviso to sub-section (1), the change shall take effect at once if all the members and creditors assent thereto, *in the prescribed manner.*

Restrictions on interest of member of society with limited liablity and a share capital.

6. Where the liability of the members of a society is limited by shares, no member other than a registered society shall—

(a) hold more than such portion of the share capital of the society, subject to a maximum of one-fifth as may be prescribed by the rules ; or

(b) have or claim any interest in the shares of the society, exceeding thousand rupees.

Conditions of Registration.

7. (1) No society other than a society of which a member is a registered society, shall be registered under this Regulation which does not consist of at least ten persons who have attained the age of majority and, where the object of the society is the creation of funds to be lent to its members, unless such persons reside in same town or village or in the same group of villages.

Explanation.—Nothing in this sub-section shall be deemed to prohibit the registration, in exceptional cases, of societies restricted to members of the same tribe, class, caste or occupation.

(2) the word 'limited' shall be the last word in the name of every society with limited liability registered under this Regulation.

8. When any question arises whether for the purpose of the formation or registration or continuance of a society under this Regulation a person is an agriculturist or a non-agriculturist or whether any person is a resident in a town or village or group of village or whether two or more villages shall be considered to form a group or whether any person belongs to any particular tribe class, caste or occupation, the question shall be decided by the Registrar whose decision shall be final.

Power of Registrar to decide certain questions.

9. (1) For purposes of registration, an application to register shall be made to the Registrar.

Application for registration

2 The application shall be signed—

(a) in the case of a society of which no member is a registered society, by at least ten persons qualified in accordance with the requirements of Section 7, sub-section 1; and

(b) in the case of society of which a member is a registered society, by a duly authorised person on behalf of every such registered society and where all the members of the society are not registered societies, by ten other members, or when there are less than ten other members, by all of them.

(3) The application shall be accompanied by a copy of the proposed bye-laws of the society and the persons by whom or on whose behalf such application is made shall furnish such information in regard to the society as the Registrar may require.

10. If the Registrar is satisfied that a society has complied with the provisions of this Regulation and the rules and that its proposed bye-laws are not contrary to this Regulation or to the rules, he, may if he thinks fit register the society and its bye-laws. In case of refusal an appeal shall lie to Our Government within two months from the date of the issue of the order or refusal.

Registration.

11. A certificate of registration signed by the Registrar shall be conclusive evidence that the society therein mentioned is duly registered, unless it is proved that the registration of the society has been cancelled.

Evidence of registration.

12. (1) No amendment of the bye-laws of a registered society whether by way of cancellation, addition or alteration shall be valid until approved by the resolution of a general meeting and registered under this Regulation, for which purpose, a copy of the amendment shall be forwarded to the Registrar.

Amendment of the bye-laws of a registered society.

(2) If the Registrar is satisfied that any amendment of the bye-laws is not contrary to this Regulation or the rules he may, if he thinks fit, register the amendment. *In the case of refusal an appeal shall lie to our Government within two months from the date of the issue of the order of refusal.*

(3) When the Registrar registers an amendment of the bye-laws of a society, he shall issue to the society a copy of the amendment certified by him, which shall be conclusive evidence that the same is duly registered.

General Meetings.

13. *Every Registered society shall call an annual general meeting of its members within the time prescribed therefor.*

Annual general meetings.

14. A special general meeting may be called at any time by a majority of the Committee and shall be called within one month—

Special general meeting.

(1) on the requisition in writing of *not less than* one-fifth of the members of the society, or

(2) at the instance of the Registrar.

Changes Subsequent to Registration.

15. A society may, by a resolution of a general meeting of its members and with the approval of the Registrar, change its name; but such change shall not affect any right or obligation of the society, or of any of its members, or past members and any legal proceedings pending may be continued by or against the society under its new name.

Change of name; its effect.

16. (1) (*a*) Any registered society may, at a general meeting of its members specially called for the purpose of which at least seven clear days' notice shall be given to its members, resolve to divide itself into two or more societies. The resolution (hereinafter in this sub section referred to as the preliminary resolution) shall contain proposals for the division of the assets and liabilities of the society among the new societies into which it is proposed to divide it and prescribe the area of operations of, and specify the members who will constitute, each of the new societies

Division and amalgamation of Societies.

(*b*) (*i*) A copy of the preliminary resolution shall be sent to all the members and creditors of the society.

(*ii*) Any member of the society may, notwithstanding any bye-law to the contrary, by notice given to the society within a period of three months from his receipt of the preliminary resolution, intimate his intention not to become a member of any of the new societies.

(*iii*) Any creditor of the society may, notwithstanding any agreement to the contrary, by notice given to the society within the said period, intimate his intention to demand a return of the amount due to him.

(*c*) After the expiry of three months from the receipt of the preliminary resolution by all the members and creditors of the society, a general meeting of the members of the society of which at least fifteen clear days' notice shall be given to the members, shall be convened for considering the preliminary resolution. If at such meeting the preliminary resolution is confirmed by a resolution passed by a majority of not less than two-thirds of the members present, either without changes or with such changes as, in the opinion of the Registrar, are not material, he may, subject to the provisions of clause (*e*) and Section 10 register the new societies and the bye-laws thereof. On such registration, the registration of the old society shall be deemed to have been cancelled.

The opinion of the Registrar as to whether the changes made in the preliminary resolution are or are not material shall be final and no appeal shall lie therefrom.

(*d*) At the meeting referred to in clause (*c*) provision shall be made by another resolution for—

(i) the repayment of the share capital of all the members who have given notice under sub-clause (ii) of clause (*b*) and

(ii) the satisfaction of the claims of all the creditors who have given notice under sub-clause (iii) of clause (*b*) :

Provided that no member or creditor shall be entitled to such repayment or satisfaction until the preliminary resolution is confirmed as provided in clause (*c*).

(*e*) If, within such time as the Registrar considers reasonable, the share capital of the members referred to in clause (*d*) is not repaid or the claims of the creditors referred to in that clause, are not satisfied, the Registrar may refuse to register the new societies.

(*f*) The registration of the new societies shall be a sufficient conveyance to vest the assets and liabilities of the original society in the new societies in the manner specified in the preliminary resolution as confirmed under clause (*c*).

(2) (*a*) Two or more registered societies may, at general meetings of their respective members specially called for the purpose of which at least seven clear days' notice shall be given to their respective members, resolve to amalgamate into one society. This resolution is hereinafter in this sub-section referred to as the preliminary resolution.

(*b*) (i) A copy of the preliminary resolution of each society shall be sent to all the members and creditors thereof.

(ii) Any member of any such society may, notwithstanding any bye-law to the contrary, by notice given to the society of which he is a member within a period of three months from his receipt of the preliminary resolution, intimate his intention not to become a member of the new society.

(iii) Any creditor of any such society may, notwithstanding any agreement to the contrary by notice given to the Society of which he is a creditor within the said period, intimate his intention to demand a return of the amount due to him.

(*c*) After the expiry of three months from the receipt of the preliminary resolution by all the members and creditors of all the societies a joint meeting of the members of such societies of which at least fifteen clear days' notice shall be given to them, shall be convened for considering the preliminary resolution. If, at such meeting the priliminary resolution is confirmed by a resolution passed by a majority of not less than two-thirds of the members present either without changes or with such changes as in the opinion of the Registrar, are not material, he may, subject to the provisions of clause (*e*) and Section 10, register the new society and the bye-laws thereof. On such registration, the registration of the old societies shall be deemed to have been cancelled.

The opinion of the Registrar as to whether the changes made in the preliminary resolution are or are not material shall be final and no appeal shall lie therefrom.

(*d*) At the joint meeting referred to in clause (*c*), provision shall be made by another resolution for—

(i) the repayment of the share capital of all the members who have given notice under sub clause (ii) of clause (*b*) and

(ii) the satisfaction of the claims of all the creditors who have given notice under sub-clause (iii) of clause (*b*) :

Provided that no member or creditor shall be entitled to such repayment or satisfaction until the preliminary resolution is confirmed as provided in clause (*c*).

(*e*) If, within such time as the Registrar considers reasonable, the share capital of the members referred to in clause (*d*) is not repaid or the claims of the creditors referred to in that clause are not satisfied, the Registrar may refuse to register the new society.

(*f*) The registration of the new society shall be a sufficient conveyance to vest in it all the assets and liabilities of the original societies.

RIGHTS AND LIABILITIES OF MEMBERS.

Member not to exercise rights till due payments made.

17. (1) No member of a registered society shall, save as otherwise provided in sub-section (2), exercise the rights of a member unless or until he has made such payment to the society in respect of membership or acquired such interest in the society as may be prescribed by the rules and bye-laws of such society.

(2) In the case of a society registered after the commencement of this Regulation, the persons who have signed the application to register the society may elect a Committee to conduct the affairs of the society for a period of three months from the date of registration or for such further period as the Registrar may consider desirable :

Provided that the Committee shall cease to function as soon as the members of the society have elected a Committee in accordance with its bye-laws.

Votes of members.

18. (1) No member of any registered society shall have more than one vote in the affairs of the society provided that in the case of an equality of votes the chairman shall have a casting vote.

(2) A registered society which has invested any part of its funds in the shares of another registered society may appoint any of its members not disqualified for such appointment under any rules prescribed in that behalf to vote in the affairs of such other registered society.

Restrictions on transfer of share or interest.

19. (1) The transfer or charge of the share or interest of a member in the capital of a registered society shall be subject to such conditions as to maximum holding as may be prescribed by this Regulation or by the rules.

(2) A member shall not transfer any share held by him or his interest in the capital or property of any society or any part thereof unless :—

(*a*) he has held such share or interest for not less than one year ; and

(*b*) the transfer or charge is made to the society or to a member of the society or to a person whose application for membership has been accepted by the society.

DUTIES OF REGISTERED SOCIETIES.

Address of societies

20. Every *registered* society shall have an address registered in accordance with the rules, to which all notices and communications may be sent, and shall *give* notice in writing to the Registrar of any change in the said address within thirty days of such change.

21. *Every registered society shall keep open to inspection, free of charge at all reasonable times at the registered address of the society.*

Copy of Regulation, Rules and bye-laws to be open to Inspection

(a) *a copy of this Regulation,*
(b) *a copy of the Rules governing such society,*
(c) *a copy of the bye-laws of such society, and*
(d) *the register of its members.*

22. (1) The Registrar shall by himself or by some person authorised by him in writing by general or special order in this behalf audit the accounts of every society once at least in every year.

Audit.

(2) The audit under sub-section (1) shall include an examination of overdue debts, if any, the verification of cash balance and securities and a valuation of the assets and liabilities of the society.

(3) The Registrar or other person auditing the accounts of any society shall have free access to the books, accounts and vouchers of such society and shall be allowed to verify its cash balances and securities.

The Committee, *Secretary* and other officers of the society shall furnish to the Registrar or other person appointed to audit the accounts of a society all such information as to its transactions and working as the Registrar or such person may require and shall produce the cash for verification with the cash balance when demanded by the Registrar or the person appointed to audit.

(4) The Registrar and every other person appointed to audit the accounts of a society shall have power when necessary—

(i) to summon at the time of his audit any officer, agent, servant or member of the society who he has reason to believe can give valuable information in regard to any transaction of the society or the management of its affairs, or

(ii) to require the production of any book or document relating to the affairs of *the society or* any cash or securities belonging to the society by the officer, agent, servant or member in possession of such book, document, cash or securities.

PRIVILEGES OF REGISTERED SOCIETIES.

23. The registration of a society shall render it a body corporate by the name under which it is registered, with perpetual succession and a common seal, and with power to hold property, to enter into contracts, to institute and defend suits and other legal proceedings and to do all things necessary for the purposes *for which it was constituted.*

Societies to be bodies corporate.

24. Subject to *the prior claim, if any, of Our* Government in respect of land revenue or any money recoverable as land revenue or of a landlord in respect of rent, any debt or outstanding demand owing to a society by any member, or past member or deceased member shall be a first charge :

Prior claim of society.

(1) upon crops or other agricultural produce raised in whole or in part with a loan taken from the society by such member or past member or deceased member ; and

(2) upon any cattle, fodder for cattle, agricultural or industrial implements or machinery or raw materials for manufacture or workshops, godown or place of business supplied to or purchased by such member or past member or deceased member in whole or in part from any loan whether in money or goods given him by the society:

Provided that nothing contained in this clause shall affect the claim of any *bonafide* purchaser or transferee for value without notice of any such crops or other agricultural produce, cattle, fodder for cattle or raw materials for manufacture or work-shops or agricultural or industrial implements.

Charge and set off in respect of shares or interest of member.

25. A registered society shall have a charge upon the share or interest in the capital and on the deposits of a member or past or deceased member and upon any dividend, bonus or profits payable to a member or past member or the estate of a deceased member in respect of any debt due from such member or past member to the society, and may set off any sum credited or payable to a member or past member or the estate of a deceased member in or towards payment of any such debt.

Shares or interest not liable to attachment.

26. Subject to the provisions of Section 25, the share or interest of a member in the capital of a registered society shall not be liable to attachment or sale under any decree or order of a Court of Justice in respect of any debt or liability incurred by such member, and neither the Receiver under the law of insolvency for the time being in force nor a Receiver appointed under the Code of Civil Procedure, 1100 shall be entitled to or have any claim on such share or interest.

Transfer of intrest on death of member.

27. (1) On the death of a member of a society, such society may, within a period of one year from the death of such member, transfer the share or interest of the deceased member to a person or persons nominated in accordance with the bye-laws of the society, if duly admitted a member of the society in accordance with the rules or the bye-laws of the society, or if there is no person so nominated, to such person as may appear to the committee to be the heir or legal representative of the deceased member if duly admitted a member of the society, or may pay to such nominee, heir or legal representative, as the case may be, a sum representing the value of such member's share or interest ascertained in accordance with the rules or bye-laws:

Provided that such nominee, heir or legal representative, as the case may be, may require that payment shall be made by the society within one year from the death of the member of the value of the share or interest of such member ascertained as aforesaid.

(2) A society shall, subject to the provisions of Section 25 and unless prevented by an order of a competent court, pay to such nominee, heir or legal representative as the case may be, all other moneys due to the deceased member from the society.

(3) All transfer and payments made by a society in accordance with the provisions of this Section shall be valid and effectual against any demand made upon the society by any other person.

Liability of past member or of the estate of a deceased member.

28. The liabiltty of a past member or of the estate of a deceased member for the debts of a registered society as they existed on the date of his ceasing to be a member or of his decease as the case may be, shall continue for a period of two years from such date.

Register of members. 29. Any register or list of members or shares kept by any registered society shall be *prima facie* evidence of any of the following particulars entered therein—

(*a*) the date on which the name of any person was entered in such register or list as a member.

(*b*) the date on which any such person ceased to be a member.

Admissibility of copy of entry as evidence. 30. A copy of any entry in any book, register or list regularly kept in the course of business in the possession of a society shall, if duly certified in such manner as may be prescribed by the rules, be admissible in evidence of the existence of the entry and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original entry would, if produced, have been admissible to prove such matters.

Power to attach and sell defaulter's property. 31. Whenever a decision or an award of the Registrar or arbitrator or an order of the Registrar or liquidator is obtained by a registered society for the realisation of money, *any such money may be recovered as arrears of public revenue under the Revenue Recovery Regulation, I of 1086 subject to such rules, if any, as may be prescribed, and Our Government may for such purposes confer on the Registrar or any Officer subordinate to him the powers of a Division Peishkar or other Officer under the said Regulation* ;

Provided that the powers of a Division Peishkar shall not be conferred on any Officer who is inferior in rank to that of an Assistant Registrar.

Explanation—Any right of appeal or application for revision or Civil suit available in respect of the orders or actions under the Revenue Recovery Regulation, I of 1068 shall be available to the parties.

Exemption from compulsory registration of instruments relating to shares and debentures of registered society. 32. Nothing in Section 10, sub-section (1), clauses (*a*) and (*b*) of the Travancore Registration Regulation, 1087 shall apply to :—

(1) any instrument relating to shares in a registered society notwithstanding that the assets of such society consist in whole or in part of immovable property; or

(2) any debenture issued by any such society and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immovable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the society has mortgaged, conveyed or otherwise transferred the whole or part of its immovable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures;or

(3) any endorsement upon or transfer of any debenture issued by any such society.

Power to exempt from Income-tax, Municipal tax, Stamp duty, Registration and Court fees. 33. Our Government by notification in Our Government Gazette, may in the case of any society or class o: societies remit—

(1) the income-tax or supertax payable in respect of the profits of the society, or of the dividends or other payments received by the members of the society on account of profits or in respect of interest on securities held by the society;

(2) any tax payable under the law of Municipalities for the time being in force;

(3) the stamp duty with which, under any law for the time being in force, instruments excuted by or on behalf of a society or by an officer or member and relating to the business of such society or any class of such instruments, or awards of the Registrar or arbitrators under this Regulation are respectively chargeable; and

(4) any fee payable under the law of Registration or of Court fees for the time being in force.

Government aid to registered societies.

34. Notwithstanding anything contained in any other enactment, Our Government may, subject to such rules as may be prescribed in this behalf, grant loans to, take share in, or give financial assistance in any other form to any registered society.

Explanation - Nothing in this section shall be construed as entitlin Our Government to become a member of any Society without the Society admitting Government as a member.

PROPERTY AND FUNDS OF REGISTERED SOCIETIES.

Restrictions on loans.

35. (1) A registered society shall not make a loan to any person other than a member:

Provided that, with the general or special sanction of the Registrar a registered society may make loans to another registered society.

(2) Save with the sanction of the Registrar, a registered society shall not lend money on the security of movable property other than agricultural produce.

(3) Notwithstanding anything contained in sub-sections (1) and (2), a registered society may make a loan to a depositor on the security of his deposit.

(4) Our Government may, by general or special order, prohibit or restrict the lending of money on mortgage of immovable property by any registered society or class of registered societies.

Restrictions on borrowings.

(5) A registered society shall receive deposits and loans only to such extent and under such conditions as may be prescribed by the rules or the bye-laws of the society.

Restriction on other transactions with non-members.

36. Save as provided in Section 35, the transaction of a registered society with persons other than members shall be subject to such prohibitions and restrictions, if any, as Our Government may, by rules, prescribe.

Investment of Funds.

37. Subject to the provisions of sub-section (4) of Section 35, a registered society may invest or deposit its funds:—

(a) in Our Government Savings Bank: or

(b) in Promissory Notes, Debentures, stock or other securities of the Government of India; or

(c) in stock or debentures or of shares in Railway or other companies, the interest whereon shall have been guaranteed by the Government of India or by the Government of Travancore; or

(d) on a first mortgage of immovable property situate in Travancore provided that the property is not a leasehold for a term of years and that the value of the property exceeds by one-third or if it consists of buildings, exceeds by one-half, the mortgage amount; or

(e) in the shares or on the security of any other registered society in Travancore, provided that no such investment shall be made in the shares of any society other than one with limited liability; or

(f) with any bank or person carrying on the business of banking approved for this purpose by the Registrar; or

(g) in any other mode permitted by the rules.

(2) Any investments or deposits made before the commencement of this Regulation which would have been valid if this Regulation had been in force are hereby ratified and confirmed.

Restrictions on dividend.

38. No society shall pay a dividend to its members at a rate exceeding 7½ per cent.

Reserve Fund.

39. (1) Every society which does or can derive a profit from its transactions shall maintain a Reserve Fund.

(2) In the case of a society with unlimited liability, at least one-fourth of the net profits of the society each year shall be carried to the Reserve Fund and in the case of any other society at least one-tenth of the net profits of the society each year shall be carried to the Reserve Fund; and such Reserve Fund shall not be used in the ordinary business of the society but may subject to the provisions of Section 37, be invested as Our Government may by general or special order direct or may with the previous sanction of Our Government be used in part for some public purpose likely to promote the objects of this Regulation or for some purposes of local interest or may be drawn upon to the extent of not more than twenty-five per cent. thereof for purposes sanctioned by the Registrar.

Restrictions on distribution of profits.

40. Subject to the provisions of Section 38, the balance of the profits of a society after making the prescribed provision for the Reserve Fund may, together with any available profits of past years, be distributed among its members, provided that no distribution of profits shall be made without the sanction of the Registrar.

Provident Fund.

41. Any society may establish a provident fund for its members out of contributions from such members in accordance with bye-laws made by the society in this behalf and may contribute to such provident fund from its net profits, after the prescribed payments have been made to the Reserve Fund, provided that such provident fund shall not be used in the business of the society but shall be invested under the provisions of Section 37; and provided further that no part of such provident fund shall be considered as an asset of such society.

Contribution to charitable purposes.

42. Any registered society may after one-fourth, or one-tenth, as the case may be, of the net profits in any year has been carried to a reserve fund, contribute, *subject to the approval of the Registrar*, an amount not exceeding 7 ½ per cent. of the remaining net profits to any charitable purpose as defined in Section II of the Charitable Endowments Regulation of 1082 M. E.

INQUIRY AND INSPECTION.

43. (1) The Registrar may of his own motion, and shall on the application of the majority of the Committee or of not less than one-third of the members, hold an inquiry or direct some person authorised by him by order in writing in this behalf to hold an inquiry into the constitution, working and financial condition of a registered society.

Inquiry by Registrar.

(2) The Registrar or the person authorised by him under sub-section (1) shall have the following powers, namely :—

(*a*) He shall, at all reasonable times, have free access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the society and may summon any person in possession or responsible for the custody of any such books, accounts, documents, securities, cash or other properties to produce the same at any place at the headquarters of the society or any branch thereof.

(*b*) He may summon any person who he has reason to believe has knowledge of any of the affairs of the society to appear before him at any place at the headquarters of the society or any branch thereof and may examine such person on oath.

(*c*) (i) He may, notwithstanding any rule or bye-law prescribing the period of notice for a general meeting of the society, require the officers of the society to call a general meeting at such time and place at the headquarters of the society or any branch thereof and to determine such matters as may be directed by him and if the officers of the society refuse or fail to call such a meeting, he shall have power to call it himself.

(ii) Any meeting called under clause (i) shall have all the powers of a general meeting called under the bye-laws of the society and its proceedings shall be regulated by such bye-laws.

44. (1) The Registrar may, on the application of a creditor of a registered society inspect or direct some person authorised by him in this behalf by a general or special order in writing to inspect the books of the society.

Inspection of Books by Registrar.

(2) No inspection shall be made or directed under sub-section (1) unless the creditor—

(*a*) satisfies the Registrar that the debt is a sum then due and that he has demanded payment thereof and has not received satisfaction within a reasonable time ; and

(*b*) deposits with the Registrar such sum as security for the costs of the proposed inspection as the Registrar may require.

(3) Where an inspection is made under sub-section (1), the Registrar shall communicate the results of such inspection to the creditor to whom the society is indebted.

45. Where an inquiry is held under Section 43 or an inspection is made under Section 44, the Registrar may after giving the parties an opportunity to be heard, apportion the costs, or such part of the costs as he may think right, between the society, the members or creditor demanding an inquiry or inspection and the officers or former officers of the society *in accordance with such rules as may be made by Our Government.*

Costs of inquiry and inspection.

Recovery of costs.

46. Any sum awarded by way of costs under Section 45 may be recovered as if it were an arrear of Land Revenue.

SUPERSESSION OF COMMITTEE OF SOCIETY.

Supersession of Committee.

47. *(1) If, in the opinion of the Registrar the Committee of any registered Society is not functioning properly, he may after giving an opportunity to the Committee to state its objections, and after recording a finding that the objections are unsatisfactory (if such be his finding) call upon the members of the society to appoint a new Committee within such time, not being less than one month as may be fixed by him. If a new Committee is not appointed accordingly or if the Committee appointed is, after trial for six months, found wanting in the opinion of the Registrar, and if the Registrar is of opinion that, in the circumstances of the case, it is undesirable to order the cancellation of the registration of the Society, he may, by order in writing, dissolve the Committee, and appoint a suitable Committee consisting of as many members of that Society as he may deem necessary to manage the affairs of the Society for a specific period not exceeding one year. The period specified in such order may, at the discretion of the Registrar, be extended from time to time provided that such order shall not remain in force for more than two years in the aggregate.*

(2) The Committee so appointed by the Register shall have all such powers, rights and responsibilities as a Committee of the Society has according to the bye-laws of the Society.

(3) The Committee appointed by the Registrar, shall, at the expiry of the period of its appointment, arrange for the constitution of a new Committee in accordance with the bye-laws of the Society.

(4) Before taking action under sub-section (1) in respect of any Society, the Registrar shall in the prescribed manner consult such body of persons, if any, as may be prescribed by Our Government, in that behalf, regarding the action and regarding such other matters as may be prescribed.

(5) Nothing in this section shall be deemed to affect the powers of the Registrar to cancel the registration of any Society under any other section.

DISSOLUTION OF SOCIETY.

Dissolution.

48. (1) If the Registrar, after an inquiry has been held under Section 43 or after an inspection has been made under Section 44 or on receipt of an application made by three-fourths of the members of a registered society, is of opinion that the society ought to be dissolved, he may by order in writing cancel the registration of the society. A copy of the order shall forthwith be communicated to the society.

(2) Any member of the society may, within two months from the date of the order made under sub-section (1) appeal to Our Government from such order.

(3) Where no appeal is presented within two months from the making of an order cancelling the registration of the society, the order shall take effect on the expiry of that period.

(4) Where an appeal is presented within two months, the order shall not take effect until it is confirmed by Our Government and such confirmation is communicated to the society.

49. Where it is a condition of the registration of a society that it should consist of at least ten members who have attained the age of majority, the Registrar may, by order in writing, cancel the registration of the society if at any time it is proved to his satisfaction that the number of the members has been reduced to less than ten such members.

Cancellation of registration of Society.

Effect of cancellation of registration.

50. Where the registration of a society is cancelled the society shall cease to exist as a corporate body;

(*a*) in the case of cancellation in accordance with the provisions of Section 48, from the date the order of cancellation takes effect;

(*b*) in the case of cancellation in accordance with the provisions of Section 49, from the date of the order.

Winding up.

51. (1) Where the registration of a society is cancelled under Section 48 or Section 49, the Registrar may appoint any person to be liquidator of the society.

(2) Subject to any rules that may be made under this Regulation, the whole of the assets of the society shall, on the appointment of a liquidator under sub-section (1), vest in such liquidator and he shall have power to realise such assets by sale or otherwise.

(3) Such liquidator shall also have power, subject to the control of the Registrar:--

(*a*) to institute and defend suits and other legal proceedings on behalf of the society by his name of office;

(*b*) to get disputes referred to arbitration;

(*c*) to determine from time to time the contribution to be made or remaining to be made by the members or past members or by the estates or nominees, heirs or legal representatives of deceased members or by any officers or former officers, to the assets of the society, such contribution including debts due from such members or persons;

(*d*) to investigate all claims against the society and subject to the provisions of this Regulation to decide questions of priority arising between claimants;

(*e*) to pay claims against the society (including interest up to the date of cancellation of registration) according to their respective priorities, if any, in full or rateably as the assets of the society permit, the surplus if any, remaining after payment of the claims being applied in payment of interest from the date of such cancellation at a rate fixed by him but not exceeding the contract rate in any case;

(*f*) to determine by what persons and in what proportions the costs of the liquidation are to be borne;

(*g*) to give such directions in regard to the collection and distribution of the assets of the society as may appear to him to be necessary for winding up the affairs of the society; and

(*h*) to carry on the business of the society so far as may be necessary for the beneficial winding up of the same.

(4) Subject to any rules that may be made under this Regulation, a liquidator appointed under this Section shall, in so far as such powers are necessary for carrying out the purposes of this Section, have power to summon and enforce the attendance of witnesses and to compel the production of any books, accounts, documents, securities, cash or other properties belonging to or in the custody of the society by the same means and (so far as may be)

in the same manner as is provided in the case of a civil court under the Code of Civil Procedure, 1100.

(5) When the affairs of the society have been wound up, the liquidator shall deposit the records of the society in such place as the Registrar may direct.

(6) Any person aggrieved by any order of the liquidator may *in the prescribed manner* appeal to the Registrar against such order within two months from the date of the issue of the order.

Bar of suit in winding up and dissolution matters.

52. *Save in so far as is expressly provided in this Regulation,*

(a) *no civil court shall take cognisance of any matter connected with the winding up, dissolution or cancellation of the registration of a Society* under this *Regulation*, and

(b) *no suit or other legal proceeding shall lie or be proceeded with in respect of any order of the liquidator or of the Registrar passed in appeal therefrom except by leave of the Registrar or in case such leave is refused by the Registrar, by leave of the District Court having local jurisdiction and subject to such terms if any, as the Registrar or the District Court as the case may be m-y impose.*

Disposal of surplus assets.

53. After all the liabilities including the paid up share capital of a cancelled society have been met, the surplus assets shall not be divided amongst its members but they shall be devoted to any object or objects described in the bye-laws of the society and when no object is so described to any object of public utility determined by the general meeting of the society and approved by the Registrar or they may in consultation with them either be assigned by the Registrar in whole or in part to any or all of the following:—

(a) an object of public utility of local or communal interest;

(b) a charitable purpose as defined in Section II of the Charitable Endowments Regulation of 1082 M. E.;

(c) the Travancore Co-operative Institute, Trivandrum;

or may be placed on deposit with the Central Co-operative Bank until such time as a new society with similar conditions is registered when with the consent of the Registrar such surplus may be credited to the Reserve Fund of such new society.

SURCHARGE AND ATTACHMENT.

Surcharge.

54. (1) Where in the course of an audit under Section 22 or an inquiry under Section 43 or an inspection under Section 44 or the winding up of a society, it appears that any person who has taken part in the organisation or management of the society or any past or present officer of the society has misappropriated or fraudulently retained any money or other property or been guilty of breach of trust in relation to the society, the Registrar may, of his own motion or on the application of the Committee or liquidator or of any creditor or contributory, examine into the conduct of such person or officer and make an order requiring him to repay or restore the money or property or any part thereof with interest at such rate as the Registrar thinks just or to contribute such sum to the assets of the society by way of compensation in respect of the misappropriation, fraudulent retainer or breach of trust as the Registrar thinks just.

(2) The order of the Registrar under sub-section (1) shall be final unless it is set aside by the District Court having jurisdiction over the area in which the headquarters of the society are situated, on application made by the party aggrieved within three months of the date of the receipt of the order by him.

(3) Any sum ordered under this Section to be repaid to a society or recovered as a contribution to its assets may be recovered on a requisition being made in this behalf to the Division Peishkar by the Registrar in the same manner as arrears of land revenue.

(4) This Section shall apply notwithstanding that such person or officer may have incurred criminal liability by his act.

Attachment of property.

55. Where the Registrar is satisfied on the application of the liquidator *or when acting under Section 56* that any person with intent to defeat or when the execution of any order that may be passed against him under clause (*c*) of sub-section (3) of Section 51 or Section 54.

(*a*) is about to dispose of the whole or any part of his property, or

(*b*) is about to cancel or remove the whole or any part of his property, *the Registrar may unless adequate security is furnished, direct the conditional attachment of the said property or such part thereof as he thinks necessary. Such attachment shall be treated as an attachment or distraint as the case may be, effected by the Tahsildar of the place where the property attached is situated under the provisions of the Revenue Recovery Regulation I of 1068, and all the remedies available to aggrieved persons under the provisions of the said Regulation in respect of any attachment or distraint effected by the Tahsildar shall also be available,*

ARBITRATION.

Disputes.

56. (1) If any dispute touching the business of a registered society (*other than a dispute regarding disciplinary action taken by the Society or its Committee against a paid servant of the Society*) arises :—

(*a*) among members, past members and persons claiming through members, past members and deceased members, or

(*b*) between a member, past member or person claiming through a member, past member or deceased member and the society, its Committee or any officer agent or servant *past or present* of the society, or

(*c*) between the society or its Committee and any officer, agent or servant *past or present* of the society, or

(*d*) between the society and any other registered society,

such dispute shall be referred to the Registrar for decision.

Explanation. A claim by a registered Society for any debt or demand due to it from a member, past member or the nominee, heir or legal representative of a deceased member, whether such debt or demand be admitted or not, is a dispute touching the business of the Society within the meaning of this sub-section.

(2) The Registrar may, on receipt of such reference,

(*a*) decide the dispute himself, or

(*b*) transfer it for disposal to any person who has been invested by Our Government with powers in that behalf; or

(*c*) subject to such rules as may be prescribed, refer it for disposal to an arbitrator or arbitrators :

Provided that if any party to the dispute applies for action being taken under clause (c), *the Registrar shall act accordingly.*

(3) Subject to such rules as may be prescribed, the Registrar may withdraw any reference transferred under Clause (*b*) of sub-section (2) or referred under clause (*c*) of that sub-section and deal with it in the manner provided in the said sub-section.

(4) The Registrar, may, of his motion or on the application of a party to a reference, revise any decision thereon by the person to whom such reference was transferred or by the arbitrator or arbitrators to whom it was referred :

Provided that where the decision sought to be revised is a decision made by arbitrator or arbitrators appointed in pursuance of the provisions of the proviso to sub-section (2) *the Registrar shall not modify the decision but may if he thinks it necessary or desirable, refer the dispute again as under clause* (c) *of sub-section* (2).

Finality of order.

57. (1) *Any decision passed by the Registrar under clause* (a) *of sub-section* (2) *of section 56 or under sub-section* (4) *of the same section shall be final and shall not be called in question in any Civil Court.*

(2) *Any decision that may be passed by the person to whom a reference is transferred or by the arbitrator or arbitrators to whom it is referred under sub-section* (2) *of section 56 shall save as otherwise provided in sub-section* (4) *of the same section, be final and shall not be called in question in any civil court.*

Power to enforce attendance.

58. Wherever in this Regulation it is provided that the Registrar or person duly authorised by general or special order in writing by the Registrar in this behalf shall hold an inquiry under Section 43 or shall wind up a society or shall arbitrate, *the* Registrar, or person authorised, as the case may be, shall *subject to such rules as may be passed by Our Government for the payment of batta to the witnesses*, have the power to summon and enforce the attendance *at the headquarters of the society concerned* of witnesses including the parties interested or any of them and to compel them to give evidence, and to compel the production of documents by the same means and as far as possible in the same manner as is provided in the case of a civil court by the Code of Civil Procedure, 1100.

Money how recovered.

59. Every order passed by *the* liquidator under Section 51, or by the Registrar or his nominee or arbitrators on disputes referred to him or them under Section 51 or under Section 56 shall, if not carried out be executed—

(*a*) on a certificate signed by the Registrar or a liqidator by any civil court *having local jurisdiction* in the same manner as a decree of such court ; or

(*b*) according to the law for the time being in force for the recovery of arrears of land revenue, provided that any application for the recovery in such manner of any such sum shall be made to the Division Peishkar and shall be accompanied by a certificate signed by the Registrar or by any one to whom the said power has been delegated by the Registrar.

OFFENCES AND PENALTIES.

Offences.

60. It shall be an offence under this Regulation if—

(*a*) a registered society or an officer or member thereof, *in contravention of the provisions of this Regulation* wilfully makes a false return or furnishes false information *or wilfully neglects or omits to call a general meeting or special general meeting of the Society*, or

(*b*) any person wilfully or without any reasonable excuse disobeys any summons, requisition or lawful written order issued under the provisions of this Regulation or does not furnish any information lawfully required from him by a person authorised in this behalf under the provisions of this Regulation.

Punishment for disposing of property in contravention of Section 24.

61. *Any member or past member or the nominee, heir or legal representative of a deceased member who fraudulently disposes of any property in respect of which the Society is entitled to claim priority under Section 24, or fraudulently does any other act to the prejudice of such claim shall be punishable with fine not exceeding two hundred rupees.*

Prohibition of the use of the word 'Co-operative.

62. (1) No person other than a registered society shall trade or carry on business under any name or title of which the word Co-operative 'is part without the sanction of our Government:

Provided that nothing in the Section shall apply to the use by any person or his successor in interest of any name or title under which he traded or carried on business at the date on which the Co-operative Societies Regulation (X of 1089) came into operation.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to fifty rupees and in the case of a continuing offence, with further fine of five rupees for each day on which the offence is continued after conviction therefor.

Punishment for offences not otherwise provided for.

63. Any registered society or any officer or member thereof or any other person guilty of an offence under this Regulation for which no punishment is expressly provided herein shall be punishable with fine not exceeding fifty rupees.

Cognizance of offences.

64. (1) No court inferior to that of a Magistrate of the First Class shall try any offence under this Regulation.

(2) Every offence under this Regulation shall, for the purposes of the Code of Criminal Procedure, be deemed to be non-cognizable.

(3) No prosecution shall be instituted under this Regulation without the previous sanction of the Registrar. Such sanction shall not be given without giving the party concerned an opportunity to be heard.

MISCELLANEOUS.

Power of Government and Registrar to call for proceedings of subordinate officers and to pass orders thereon.

65. Our Government or the Registrar may call for and examine the record of any enquiry or the proceedings of any officer subordinate to them or him for the purpose of satisfying themselves *or himself* as to the legality or propriety of any decision or order passed and as to the regularity of the proceedings of such officer. If in any case it shall appear to Our Government or the Registrar that any decision or order or proceedings so called for should be modified, annulled, or reversed, Our Government or the Registrar, as the case may be, may pass such order thereon as to them or him may seem fit. *The*

revising authority may also pass any interim order on such conditions or otherwise as it deems fit.

Recovery of sums due to Government.

66. All sums due from a registered society or from an officer, former officer, member or past or deceased member of a registered society as such to Our Government including any costs awarded to Our Government in any proceeding under this Regulation may be recovered in the same manner as arrears of land revenue.

Power to exempt societies from conditions as to registration

67. Notwithstanding anything contained in this Regulation, Our Government may, by special order in each case and subject to such conditions, if any, as they may impose, exempt any society from any of the requirements of this Regulation as to registration.

Power to exempt registered societies from provisions of the Regulation.

68. Our Government may, by general or special order, exempt any registered society from any of the provisions of this Regulation or may direct that such provisions shall apply to such society with such modifications as may be specified in the order.

Regulation I of 1092 not to apply.

69. The provisions of the Travancore Companies Regulation, 1092 shall not apply to registered societies.

Application to the saving of existing societies.

70. (1) Every society now existing which has been registered under the Co-operative Societies Regulation (X of 1089) shall be deemed to be registered under this Regulation and its bye-laws shall, so far as the same are not inconsistent with the express provisions of this Regulation, continue in force until altered or rescinded.

(2) All appointments, rules and orders made, notifications and notices issued and suits and other proceedings instituted under the said Regulation shall, so far as may be, be deemed to have been respectively made, issued and instituted under this Regulation.

Acts of societies etc. not to be invalidated by certain defects.

71. No act of a registered society or any committee or of any officer of the society, shall be deemed to be invalid by reason only of some defect in the organisation of the society or in the formation of the general body or in the appointment or election of the officer or on the ground that he was disqualified for his office.

Construction of references to Co-operative Societies Regulation X of 1089 in enactments

72. All references to the Co-operative Societies Regulation (X of 1089) occurring in any enactment for the time being in force shall be construed as references to this Regulation.

Recovery of sums due to registered society.

73. *Where under this Regulation or any rule made thereunder any sum due to a registered society from any person is recoverable as arrears of land revenue and the immovable property of such person is brought to sale under the provisions of the Revenue Recovery Regulation (Regulation I of 1068) and the society is the purchaser at such sale, the provisions of section 32 of the said Regulation shall apply thereto as if for*

the fourth and fifth clauses thereof the following clauses were substituted, namely :—

Fourth.—The sum due to the purchaser may be set off in whole or in part for which he purchased the money and the remainder if any of the purchase money shall be paid to the officer conducting the sale within thirty days of the date of the sale.

Fifth.—Where the purchaser refuses or omits to complete the payment of the remainder if any of the purchase money the property shall be resold at the expense and hazard of such purchaser and the amount of all loss or expense which may attend such refusal or omission shall be recoverable from such purchaser in the same manner as arrears of land revenue. Where the property on the second sale, sells for a higher price than at the first sale the difference or increase shall be the property of him on whose account the first sale was made.

74. (1) Our Government may, for the whole or any part of Travancore and for any registered society or class of such societies, make rules to carry out all or any of the purposes of this Regulation.

Rules.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may,

(a) subject to the provisions of Section 6 prescribe the maximum number of shares or portion of the capital of a society which may be held by a member ;

(b) prescribe the forms to be used and the conditions to be complied with in the making of applications for the registration of a society and the procedure in the matter of such applications ;

(c) subject to the provisions of Section 5 prescribe the procedure to be followed when societies change their form of liability ;

(d) prescribe the matters in respect of which a society may or shall make bye-laws and for the procedure to be followed in making, altering and abrogating bye-laws, and the conditions to be satisfied prior to such making alteration or abrogation ;

(e) prescribe the conditions to be complied with by persons applying for admission or admitted as members, and provide for the election and admission of members, and the payment to be made and the interests to be acquired before the exercise of the right of membership ;

(f) regulate the manner in which funds may be raised by means of shares of debentures or otherwise ;

(g) provide for general meetings of the members and for the procedure at such meetings and the powers to be exercised by such meetings ;

(h) provide for the appointment, suspension and removal of the members of the Committee and other officers and for the procedure at meetings of the Committee and for the powers to be exercised and the duties to be performed by the Committee and officers ;

(i) prohibit a society from appointing a defaulting member of any society to its Committee or to the Committee of any other society and allowing him to exercise his rights of membership in the society or to represent it in another society and vote ;

(j) prescribe the accounts and books to be kept by a society and provide for the audit of such accounts and the charges, if any, to be made for such audit, and for the periodical publication of a balance sheet showing the assets and liabilities of a society ;

(*k*) prescribe the returns to be submitted by a society to the Registrar and provide for the persons by whom and the form in which such returns shall be submitted and in case of failure to submit any such return for the levy of the expenses of preparing it;

(*l*) provide for the persons by whom and the form in which copies of entries in books of societies may be certified and for the charges to be levied for the supply of such copies;

(*m*) provide for the formation and maintenance of a register of members and where the liability of the members is limited by shares, of a register of shares;

(*n*) provide for:—

(i) the appointment of an arbitrator or arbitrators to decide disputes;

(ii) the procedure to be followed in proceedings before the Registrar, arbitrator or arbitrators or other person deciding disputes including the appointment of a guardian for a party to the dispute who is a minor or who, by reason of unsoundness of mind or mental infirmity, is incapable of protecting his interests;

(iii) the levy of expenses incidental to such proceedings; and

(iv) the enforcement of the decisions or awards in such proceedings;

(*o*) provide for the withdrawal and expulsion of members and for the payments, if any, to be made to members who withdraw or are expelled and for the liabilities of past members or the estates of deceased members;

(*p*) prescribe the prohibitions and restrictions subject to which societies may trade with persons who are not members;

(*q*) provide for the mode in which the value of a deceased member's interest shall be ascertained, and for the nomination of a person to whom such interest may be paid or transferred;

(*r*) prescribe the payments to be made and the conditions to be complied with by members applying for loans, the period for which loans may be made and the amount which may be lent, to an individual member;

(*s*) provide for the formation and maintenace of reserve funds, and the objects to which such funds may be applied, and for the investment of any funds under the control of a society;

(*t*) prescribe the extent to which a society may limit the number of its members;

(*u*) prescribe the conditions under which profits may be distributed to the members of a society with unlimited liability and the maximum rate of dividend which may be paid by societies;

(*v*) prescribe the procedure to be followed by a liquidator appointed under Section 51 and provide for the disposal of the surplus assets, if any, of the society;

(*w*) determine the cases in which an appeal shall lie from the orders of the Registrar, and prescribe the procedure to be followed in presenting and disposing of appeals under this Regulation;

(*x*) prescribe the period for which and the terms under which aid may be given by Our Government to societies and the terms under which Our Government may guarantee the payment of interest on debentures issued by societies;

(*y*) provide for the custody of property attached under this Regulation;

(*z*) provide for the issue and service of processes and for proof of service thereof;

(*aa*) provide for the inspection of docuuments in the Registrar's office and the levy of fees for granting certified copies of the same;

(*bb*) provide for the investigation of claims and objections that may be preferred against any attachment effected by the Registrar or an officer empowered by him ;

(*cc*) provide for the recovery of costs awarded against Our Government in cases under Section 51 ;

(*dd*) prescribe the procedure for the attachment and sale of property under Section 31 ; and

(*ee*) provide for all matters expressly required or allowed by this Regulation to be prescribed by Rules.

(3) The power to make rules conferred by this Section is subject to the condition of the rules being made after previous publication.

(4) All rules made under this Section shall be published in Our Government Gazette and on such publication shall have effect as if enacted in this Regulation.

Repeal.

75. The Co-operative Societies Regulation (X of 1089) is hereby repealed.

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34 Where Our Government have notified a declaration in accordance with the provisions of Section 33 in respect of a life assurance company, nothing in Section 4, Section 5, clauses (a), (b) (c) or (d) of sub-section (1) of Section 7, Sections 8 to 12, Section, 15, 20, 21 or 39 shall apply to the company:

Application of the Regulation to companies which carry on life assurance business in the United Kingdom and British India.

Provided that

(1) the company shall deposit with Our Government in the manner prescribed in Section 11, copies of every account, balance-sheet, abstract, statement or other document which the company is required by the Assurance Companies Act, 1909, to deposit at the Board of Trade or by the Indian Life Assurance Companies Act, 1912 to deposit with the Governor General in Council.

(2) if, at any time, a company in respect of which a declaration has been notified under Section 33 ceases to carry on life assurance business in the United Kingdom in accordance with the provisions of the Assurance Companies Act, 1909, or in British India in accordance with the Indian Life Assurance Companies Act, 1912 it shall, if it continues to carry on life assurance business in Travancore, be subject to all the provisions of this Regulation, from the date it ceased to carry on such business in the United Kingdom or in British India in accordance with the said Acts.

Penalties and Procedure.

35. Any life assurance company which makes default in complying with any of the requirements of this Regulation and every director, manager, or secretary, or other officer or agent of the company who is knowingly a party to the default shall be punishable with fine which may extend to one thousand rupees, or in the case of a continuing default, with fine which may extend to five hundred rupees for every day during which the default continues; and, if default continues for a period of three months after notice of default by Our Government (which notice shall be published in one or more newspapers as Our Government may, upon the application of one or more policy-holders, or share-holders, direct), the default shall be a ground on which the Court may order the winding up of the company, in accordance with the Travancore Companies Regulation, 1092.

Penalty for non-compliance with Regulation.

36. If any account, balance-sheet, abstract, statement or other document required by this Regulation is false in any particular to the knowledge of any person who signs it, such person shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

Penalty for falsifying statements, etc.

37. No Court inferior to that of a Magistrate of the first class shall try any offence against this Regulation.

Cognizance of offences.

Miscellaneous.

38. (1) Our Government may appoint one or more inspectors to examine into the affairs of any life assurance company, and to report thereon in such manner as they may direct.

Appointment of Inspectors.

(i) in the case of a life assurance company which is not registered under the Travancore Companies Regulation, 1092, upon the application—

(a) of share-holders being in number not less than one-fifth of the whole number of persons forthe time being entered on the list of share-holders kept in accordance with the provisions of Section 16; or

(b) of 20 or more policy-holders owning policies of an aggregate value of not less than twenty thousand rupees;

(ii) in any case where a life assurance company has failed to furnish a further statement when required to do so under the provisions of Section 11, sub-section (3), or where Our Government are of opinion that any such further statement is insufficient or unsatisfactory:

(2) On an appointment being made under sub-section (1), the provisions of Section 144 of the Travancore Companies Regulation, 1092, shall apply to the examination made by such inspectors.

Service of notices.

39. Any notice or other document which is by this Regulation required to be sent to any policy-holder may be addressed and sent to the person to whom notices respecting such policy are usually sent, and any notice so addressed and sent shall be deemed and taken to be notice to the holder of such policy:

Provided that where any person claiming to be interested in a policy has given to the company notice in writing of his interest, any notice which is by this Regulation required to be sent to policy-holders shall also be sent to such person at the address specified by him in his notice.

Powers to make rules.

40. (1) Our Government may make rules to carry out the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) prescribe the qualifications to be possessed by actuaries, auditors and inspec- tors under this Regulation and the manner in which the accounts of life assurance companies shall be audited;

(b) prescribe the time within, and the form in which notice of alteration of the particulars specified in Section 19 of the Regulation shall be filed with the Registrar;

(c) subject to the provisions of this Regulation prescribe the fees payable thereunder;

(d) provide that any portion of the investments of any life assurance company carrying on business within Travancore shall be in such securities as may be notified by Our Government in that behalf in Our Government Gazette.

(3) All rules made under this Regulation shall be published in Our Government Gazette and on such publication,shall have effect as if enacted in this Regulation.

Power of Our Government to exempt from the provisions of the Regulation.

41. Our Government may, by notification in Our Government Gazette and, subject to such restrictions and conditions as they think fit, exempt any life assurance company from all or any of the provisions of this Regulation.

2. The object of registration of Trade Unions is to confer upon the Unions some privileges and obligations so that the unions may effectively work for the betterment of their members and of the labourers in general. It is only fair that all workmen, whether industrial or agricultural, should be allowed to form their own Unions under the proposed enactment. Therefore I think it is necessary to bring agricultural labourers also within the definition of "Trade Unions" in clause 2 (h). Clause 11 deals with the power of appeal and with appellate Court. In British India, the High Courts have got original jurisdiction. Our High Court has no such jurisdiction and hence it is unwise to make the High Court to receive appeal at the first instance on the decision of the Registrar. The clause should be so amended to make the District Courts the appellate authority at the first instance.

3. There are some other minor points on which I differ from the decisions of the Select Committee. I am not going to enumerate those points here as I have got the right of bringing amendments on them.

(Sd.) P. S. MAHOMED.

NOTE OF DISSENT BY MR. K. KUNJUKRISHNA PILLAI.

The Select Committee on the Travancore Trade Unions Bill, has added the following sub-clause (2) to Class 14 of the Travancore Trade Unions Bill, *viz.*,

"No Trade Union shall be formed or shall function unless it is registered under the provisions of this Regulation:

Provided that, in the case of the Trade Unions existing on the date of the commencement of this Regulation, such Trade Unions may function for a period of three months from such date." As sub-clause (1) to Clause 30, they have also added that "whoever in contravention of the provisions of Section 14, sub-section (2) forms any Trade Union or takes any part in the functions of any Trade Union shall, for every such act, be punishable with fine which may extend to five hundred rupees."

This provision for a compulsory registration is not found in the Indian Trade Unions Act. According to the Indian Trade Unions Act, registration is not compulsory but only optional. The Travancore Trade Unions Bill, as originally drafted, did not make registration compulsory, and it was specifically stated, in the objects and reasons appended to the Bill, that the measure is purely permissive. It will be seen from the Preamble to the Bill, that it intends merely to provide for registration of Trade Unions, and to define the law relating to registered Trade Unions. As such, I am of opinion that the Select Committee has gone beyond the scope of the Bill, in providing for compulsory registration, and making it penal, to constitute any Trade Union without registration The Bill was designed to deal with registered Trade Unions only. Unregistered Trade Unions do not come within the ambit of the Bill. The Assembly having accepted the basic principle that the Bill shall be merely permissive, in my opinion the Select Committee ought not have provided for compulsory registration which runs counter to it. In my opinion, compulsory registration would needlessly infringe upon the fundamental legal right of combinations I do not think that those who advocate compulsory registration realise that Trade Unions

are associations of men, bound together by common interests for common ends. We do not make it compulsory that all associations of persons must be registered. I fail to see the justification for insisting on compulsory registration in the case of combinations of employers and employees connected with industry. If the provision put in by the Select Committee remains, a group of employees, who do not belong to a registered Trade Union, or who are not able to have a registered Trade Union meeting to discuss some problem connected with the industry in which they are engaged, they must be hauled up before the criminal courts. Every such combination will be stamped out. Further I think that the practical working of this provision will be difficult. But I see that if registration is to be made compulsory, it is obviously necessary to make the breach of that provision punishable. But since I hold that compulsory registration is an unnecessary intrusion on the fundamental right of the citizens to combine, I am against both sub-clause (2), Clause 14, and sub-clause (1), Clause 30. I do not agree with the Committee on certain minor matters as well, which need not be pointed out in this note. I hope to move appropriate amendments, at the proper time.

(Sd.) K. KUNJUKRISHNA PILLAI.

Annexure VII.

THE TRAVANCORE TRADE UNIONS BILL

(As revised by the Select Committee.)

A REGULATION TO PROVIDE FOR THE REGISTRATION OF TRADE UNIONS AND IN CERTAIN RESPECTS TO DEFINE THE LAW RELATING TO TRADE UNIONS IN TRAVANCORE.

(The words in italics indicate the amendments suggested by Select Committee.)

Whereas it is expedient to provide for the registration of Trade Unions and in certain respects to define the law relating to Trade Unions in Travancore;

It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Short title, extent and commencement. 1. (1) This Regulation may be called the Travancore Trade Unions Regulation.

(2) It extends to the whole of Travancore.

(3) It shall come into force on such date as Our Government may, by notification in Our Government Gazette, appoint.

Definitions. 2. In this Regulation unless there is anything repugnant in the subject or context.—

(*a*) "executive" means the body by whatever name called, to which the management of the affairs of a Trade Union is entrusted;

(*b*) "officer" in the case of a Trade Union, includes any member of the executive thereof, but does not include an auditor;

(*c*) "prescribed" means prescribed by Rules made under this Regulation;

(*d*) "registered office" means that office of a Trade Union which is registered under this Regulation as the head office thereof;

(*e*) "Registered Trade Union" means a Trade Union registered under this Regulation;

(*f*) "Registrar" means a Registrar of Trade Unions appointed by Our Government under Section 3 and the "Registrar", in relation to any Trade Union, means the Registrar appointed for the place in which the head or registered office, as the case may be, of the Trade Union is situated;

(*g*) "Trade dispute" means any dispute between employers and workmen or between workmen and workmen, or between employers and employers which is connected with the employment or non-employment, or the terms of employment or the conditions of labour of any person, and "workmen", means all persons employed in trade or industry whether or not in the employment of the employer with whom the trade dispute arises; and

(*h*) "Trade Union" means any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers, or between workmen and workmen or between employers and employers, or for imposing restrictive conditions on the conduct of any trade or business, and includes any federation of two or more Trade Unions:

Provided that this Regulation shall not affect—

(i) any agreement between partners as to their own business;

(ii) any agreement between an employer and those employed by him as to such employment; or

(iii) any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade or handicraft.

CHAPTER II.

Registration of Trade Unions.

Appointment of Registrars.

3. Our Government may appoint any person to be the Registrar of Trade Unions for the whole State or for any particular portions of the State.

Mode of registration.

4. Any seven or more members of a Trade Union may, by subscribing their names to the rules of the Trade Union and by otherwise complying with the provisions of this Regulation with respect to the registration, apply for registration of the Trade Union under this Regulation.

Application for registration.

5. (1) Every application for registration of a Trade Union shall be made to the Registrar and shall be accompanied by a copy of the rules of the Trade Union and a statement of the following particulars namely :—

(*a*) the names, occupations and addresses of the members making the application ;

(*b*) the name of the Trade Union and the address of its head office; and

(*c*) the titles, names, ages, addresses and occupations of the officers of the Trade Union.

(2) Where a Trade Union has been in existence for more than one year before the making of an application for its registration, there shall be delivered to the Registrar, together with the application, a general statement of the assets and liabilities of the Trade Union prepared in such form and containing such particulars as may be prescribed.

Provisions to be contained in the rules of a Trade Union.

6. A Trade Union shall not be entitled to registration under this Regulation, unless the executive thereof is constituted in accordance with the provisions of this Regulation, and the rules thereof provide for the following matters, namely :—

(*a*) the name of the Trade Union ;

(*b*) the whole of the objects for which the Trade Union has been established ;

(*c*) the whole of the purposes for which the general funds of the Trade Union shall be applicable, all of which purposes shall be purposes to which such funds are lawfully applicable under this Regulation ;

(*d*) the maintenance of a list of the members of the Trade Union and adequate facilities for the inspection thereof by the officers and members of the Trade Union ;

(*e*) the admission of ordinary members who shall be persons actually engaged or employed in *any trade or industry* with which the Trade Union is connected and also the admission of the number of honorary or temporary members as officers required under Section 21 to form the executive of the Trade Union ;

(*f*) the conditions under which any member shall be entitled to any benefit assured by the rules and under which any fine or forfeiture may be imposed on the members ;

(*g*) the manner in which the rules shall be amended, varied or rescinded ;

(*h*) the manner in which the members of the executive and the other officers of the Trade Union shall be appointed and removed ;

(*i*) the safe custody of the funds of the Trade Union, an annual audit, in such manner as may be prescribed, of the accounts thereof, and

adequate facilities for the inspection of the account books by the officers and members of the Trade Union ; and

(j) the manner in which the Trade Union may be dissolved.

Power to call for further particulars and to require alteration of name.

7. (1) The Registrar may call for further information for the purpose of satisfying himself that any application complies with the provisions of Section 5 or that the Trade Union is entitled to registration under Section 6 and may refuse to register the Trade Union until such information is supplied.

(2) If the name under which a Trade Union is proposed to be registered is identical with that by which any other existing Trade Union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either Trade Union, the Registrar shall require the persons applying for registration to alter the name of the Trade Union stated in the application, and shall refuse to register the Union until such alteration has been made.

Registration.

8. The Registrar, on being satisfied that the Trade Union has complied with all the requirements of this Regulation in regard to registration, shall register the Trade Union by entering in a register, to be maintained in such form as may be prescribed, the particulars relating to the Trade Union contained in the statement accompanying the application for registration.

Certificate of registration.

9. The Registrar on registering a Trade Union under Section 8, shall issue a certificate of registration in the prescribed form which shall be conclusive evidence that the Trade Union has been duly registered under this Regulation.

Cancellation of registration.

10. A certificate of registration of a Trade Union may be withdrawn or cancelled by the Registrar—

(a) on the application of the Trade Union, to be verified in such manner as may be prescribed ; or

(b) if the Registrar is satisfied that the certificate has been obtained by fraud or mistake, or that the Trade Union has ceased to exist or has wilfully and after notice from the Registrar contravened any provision of this Regulation or allowed any rule to continue in force, which is inconsistent with any such provision, or has rescinded any rule providing for any matter provision for which is required by Section 6:

Provided that not less than two months previous notice in writing specifying the ground on which it is proposed to withdraw or cancel the certificate shall be given by the Registrar to the Trade Union before the certificate is withdrawn or cancelled otherwise than on the application of the Trade Union.

Appeal.

11. (1) Any person aggrieved by any refusal of the Registrar to register a Trade Union or by the withdrawal or cancellation of a certificate of registration may, within such period as may be prescribed, appeal to the High Court.

(2) The *High* Court may dismiss the appeal, or pass an order directing the Registrar to register the Union and to issue a certificate of registration under the provisions of Section 9 or setting aside the order for withdrawal or cancellation of the certificate, as the case may be, and the Registrar shall comply with such order.

(3) For the purpose of an appeal under sub-section (1), the *High* Court shall, so far as may be, follow the same procedure and have the same powers

as it follows, and has when hearing an appeal under the Code of Civil Procedure, 1100, and may direct by whom the whole or any part of the costs of the appeal shall be paid, and such costs sh ll be recovered as if they had been awarded in *an appeal* under the said Code.

Registered office.

12. All communications and notices to a registered Trade Union may be addressed to the registered office. Notice of any change in the address of the head office shall be given within fourteen days of such change to the Registrar in writing, and the changed address shall be recorded in the register referred to in Section 8.

Incorporation of registered Trade Unions

13. Every registered Trade Union shall be a body corporate by the name under which it is registered and shall have perpetual succession and a common seal with power to acquire and hold both movable and immovable property and to contract, and shall by the said name sue and be sued.

Certain Regulations not to apply to registered Unions.

14. (1) The following Regulations, namely :—

(a. The Travancore Co-operative Societies Regulation.

(b) The Travancore Provident Insurance Societies Regulation of 1108 and

(c) The Travancore Companies Regulation, 1092,

shall not apply to any registered Trade Union, and the registration of any such Trade Union under any such Regulation shall be void

(2) *No Trade Union shall be formed or shall function unless it is registered under the provisions of this Regulation :*

Provided that in the case of Trade Unions existing on the date of the commencement of this Regulation, such Trade Unions may function for a period of 3 months from such date.

CHAPTER III.

Rights and liabilities of registered Trade Unions.

Objects on which general funds may be spent.

15. The general funds of a registered Trade Union shall not be spent on any other object than the following, namely :—

(a) the payment of salaries, allowances and expenses to officers of the Trade Union ;

(b) the payment of expenses for the administration of the Trade Union including audit of the accounts of the general funds of the Trade Union ;

(c) the prosecution or defence of any legal proceeding to which the Trade Union or, any member thereof is a party, when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the Trade Union as such or any rights arising out of the relations of any member with his employer or with a person whom the member employs ;

(d) the conduct of trade disputes on behalf of the Trade Union or any member thereof ;

(e) the compensation of members for loss arising out of trade disputes ;

(f) allowances to members or their dependants on account of death, old age, sickness, accidents or unemployment of such members ;

(g) the issue of, or the undertaking of liability under policies of assurance on the lives of members, or under policies insuring members against sickness, accident or unemployment ;

(*h*) the provisions of educational, social or religious benefits for members (including the payment of the expenses of funeral or religious ceremonies for deceased members) or for the dependants of members;

(*i*) the upkeep of a periodical published mainly for the purpose of discussing questions affecting employers or workmen as such;

(*j*) the payment in furtherance of any of the objects on which the general funds of the Trade Union may be spent, of contributions to any cause intended to benefit workmen in general, provided that the expenditure in respect of such contributions in any financial year shall not any time during that year be in excess of one-fourth of the combined total of the gross income which has up to that time accrued to the general funds of the Trade Union during that year and of the balance at the credit of those funds at the commencement of that year; and

(*k*) subject to any conditions contained in the notification, any other object notified by Our Government in Our Government Gazette.

Constitution of a separate fund for political purposes.

16. (1) A registered Trade Union may constitute a separate fund, from contributions separately levied for or made, to that fund, from which payments may be made, for the promotion of the civic and political interests of its members, in furtherance of any of the objects specified in sub-section (2).

(2) The objects referred to in sub-section (1) are:—

(*a*) the payment of any expenses incurred, either directly or indirectly, by a candidate or prospective candidate for election as a member of any chamber of the Travancore Legislature or of any local authority, before, during or after the election in connection with his candidature or election; or

(*b*) the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or

(*c*) the maintenance of any person who is a member of any chamber of the Travancore Legislature or of any local authority; or

(*d*) the registration of electors or the selection of a candidate for any chamber of the Travancore Legislature or for any local authority.

(3) No member shall be compelled to contribute to the fund constituted under sub-section (1); and a member who does not contribute to the said fund shall not be excluded from any benefits of the Trade Union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the Trade Union (except in relation to the control or management of the said fund) by reason of his not contributing to the said fund; and contribution to the said fund shall not be made a condition for admission to the Trade Union.

Immunity from civil suit in certain cases.

17. (1) No suit or other legal proceeding shall be maintainable in any Civil Court against any registered Trade Union or any officer or member thereof in respect of any act done in contemplation or furtherance of a trade dispute to which a member of the Trade Union is a party on the ground only that such act induces some other person to break a contract of employment, or that it is in interference with the trade, business or employment of some other person or with the right of some other person to dispose of his capital or of his labour as he wills.

(2) A registered Trade Union shall not be liable in any suit or other legal proceeding in any Civil Court in respect of any tortious act done in con-

templation or furtherance of a trade dispute by an agent of the Trade Union if it is proved that such person acted without the knowledge of or contrary to express instructions given by, the executive of the Trade Union.

18. Notwithstanding anything contained in any other law for the time being in force, an agreement between the members of a registered Trade Union shall not be void or voidable merely by reason of the fact that any of the objects of the agreement are in restraint of trade :

Enforceability of agreements.

Provided that nothing in this Section shall enable any Civil Court to entertain any legal proceeding instituted for the express purpose of enforcing or recovering damages for the breach of any agreement concerning the conditions on which any members of a Trade Union shall or shall not sell their goods, transact business, work, employ or be employed.

19. The account books of a registered Union and the list of members thereof shall be open to inspection by an officer or member of the Trade Union at such times as may be provided for in the rules of the Trade Union.

Right to inspect books of Trade Union.

20. Any person who has attained the age of fifteen years may be a member of a register Trade Union subject to any rules of the Trade Union to the contrary, and may subject as aforesaid enjoy all the rights of a member and execute all instruments and give all acquittances necessary to be executed or given under the rules :

Rights of minors to membership of Trade Union.

Provided that no person who has not attained the age of eighteen years shall be an officer of any such Trade Union.

21. Not less than *two-thirds* of the total number of the officers of every registered Trade Union shall be persons actually engaged or employed in *any trade or industry* with which the Trade Union is connected :

Proportion of officers to be connected with the industry.

Provided that Our Government may, by special or general order, declare that the provisions of this Section shall not apply to any Trade Union or class of Trade Unions specified in the order.

22. Any registered Trade Union may, with the consent of not less than two thirds of the total number of its members and subject to the provisions of Section 24 change its name.

Change of name.

23. Any two or more registered Trade Unions may become amalgamated together as one Trade Union with or without dissolution or division of funds of such Trade Unions or either or any of them, provided that the votes of at least one half of the members of each or every such Trade Union entitled to vote are recorded, and that at least sixty per cent. of the votes recorded are in favour of the proposal.

Amalgamation of Trade Union.

24. (1) Notice in writing of every change of name and of every amalgamation signed, in the case of a change of name, by the Secretary and by seven members of the Trade Union changing its name and, in the case of an amalgamation, by the Secretary and by seven members of each and every Trade Union which is party thereto, shall be sent to the Registrar, and where the head office of the amalgamated Trade Union is situated in a place for which there is a different Registrar, to the Registrar of that place.

Notice of change of name or amalgamation.

(2) If the proposed name is identical with that by which any other existing Trade Union has been registered or, in the opinion of the Registrar so nearly resembles such name as to be likely to deceive the public or the members of either Trade Union, the Registrar shall refuse to register the change of name.

(3) Save as provided in sub-section (2), the Registrar shall, if he is satisfied that the provisions of this Regulation in respect of change of name have been complied with, register the change of name in the register referred to in Section 8, and the change of name shall have effect from the date of such registration.

(4) The Registrar of the place in which the head office of the amalgamated Trade Union is situated shall, if he is satisfied that the provisions of the Regulation in respect of amalgamation have been complied with and that the Trade Union formed thereby is entitled to registration under Section 6, register the Trade Union in the manner provided in Section 8, and the amalgamation shall have effect from the date of such registration.

Effects of change of name and of amalgamation.

25. (1) The change in the name of registered Trade Union shall not affect any rights or obligations of the Trade Union or render defective any legal proceeding by or against the Trade Union and any legal proceeding which might have been continued or commenced by or against by its former name may be continued or commenced by or against it by its new name.

(2) An amalgamation of two or more registered Trade Unions shall not prejudice any right of such Trade Unions or any right of a creditor of any of them.

Dissolution.

26. (1) When a registered Trade Union is dissolved, notice of the dissolution signed by seven members and by the Secretary of the Trade Union shall, within fourteen days of the dissolution be sent to the Registrar and shall be registered by him if he is satisfied that the dissolution has been effected in accordance with the rules of the Trade Union, and the dissolution shall have effect from the date of such registration.

(2) Where the dissolution of a registered Trade Union has been registered and the rules of the Trade Union do not provide for the distribution of funds of the Trade Union on dissolution, the Registrar shall divide the funds amongst the members in such manner as may be prescribed.

Returns.

27. (1) There shall be sent annually to the Registrar, on or before such date as may be prescribed, a general statement, audited in the prescribed manner, of all receipts and expenditure of every registered Trade Union during the year ending on the last day of Karkatakam next preceding such prescribed date, and of the assets and liabilities of the Trade Union existing on such last day of Karkatakam. The statement shall be prepared in such form and shall comprise such particulars as may be prescribed.

(2) Together with the general statement there shall be sent to the Registrar a statement showing all changes of officers made by the Trade Union during the year to which the general statement refers, together also with a copy of the rules of the Trade Union corrected up to the date of the despatch thereof to the Registrar.

(3) A copy of every alteration made in the rules of a registered Trade Union shall be sent to the Registrar within fifteen days of the making of the alteration.

CHAPTER IV.

Rules.

28. (1) Our Government may make rules for the purpose of carrying into effect the provisions of this Regulation.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the manner in which Trade Unions and the rules of Trade Unions shall be registered and the fees payable on registration ;

(*b*) the transfer of registration in the case of any registered Trade Union which has changed its head office from one place to another ;

(*c*) the manner in which, and the qualifications of persons by whom the accounts of registered Trade Unions or of any class of such Unions shall be audited ;

(*d*) the conditions subject to which inspection of documents kept by the Registrar shall be allowed and the fees which shall be chargeable in respect of such inspections ;

(*e*) the powers, duties and funnctios of the Registrar or Registrars and the relationship between the various Registrars when there are more than one Registrar ; and

(*f*) any matter which is to be or may be prescribed.

29. (1) The power to make rules conferred by Section 28 is subject to the condition of the rules being made after previous publication.

Publication of rules.

(2) The date to be specified in accordance with clause (*c*) of Section 6 of the Travancore General Clauses Regulation of 1072, as that at or after which a draft of rules proposed to be made will be taken into consideration shall not be less than three months from the date on which the draft of the proposed rules was published.

(3) Rules so made shall be published in Our Government Gazette and on such publication shall have effect as if enacted in this Regulation.

CHAPTER V.

Penalties and Procedure.

30 *(1) Whoever in contravention of the provisions of Section 14, Sub-section (2) forms any Trade Union or takes any part in the functions of any Trade Union shall for every such act be punishable with fine which may extend to five hundred rupees.*

Penalties.

(2) If default is made on the part of any registered Trade Union in giving any notice or sending any statement or other document as required by or under any provision of this Regulation, every officer or other person bound by the rules of the Trade Union to give or send the same, or, if there is no such officer or person, every member of the executive of the Trade Union, shall be punishable with fine which may extend to five rupees, and in the case of continuing default, with an additional fine which may extend to five rupees for each week after the first during which the default continues :

Provided that the aggregate fine shall not exceed fifty rupees.

(3) Any person who wilfully makes or causes to be made, any false entry in, or any omission from the general statement required by Section 27 or in or from any copy of rules or of alterations of rules sent to the Registrar under that Section, shall be punishable with fine which may extend to five hundred rupees.

31. Any person who, with intent to deceive, gives to any member of a registered Trade Union or to any person intending or applying to become a member of such Trade Union any document purporting to be a copy of the rules of the Trade Union or of any alterations to the same which he knows, or has reason to believe is not a correct copy of such rules or alterations as or for the time being in force, or any person who, with the like intent, gives a copy of any rules of an unregistered Trade Union to any person on the pretence that such rules are the rules of a registered Trade Union, shall be punishable with fine which may extend to two hundred rupees.

Supplying false information regarding Trade Unions.

32. (1) No court inferior to that of a Magistrate of the First Class shall try any offence under this Regulation.

Cognisance of offences.

(2) No court shall take cognisance of any offence under this Regulation, unless complaint thereof has been made by, or with the previous sanction of, the Registrar, or, in the case of an offence under Section 31, by the person to whom the copy was given, within six months of the date on which the offence is alleged to have been committed.

Annexure I.

THE TRAVANCORE ANCIENT MONUMENTS PRESERVATION BILL.

(As passed by the Sri Mulam Assembly.)

A Regulation to provide for the preservation of ancient monuments and of objects of archæological, historical or artistic interest.

Preamble.

Whereas it is expedient to provide for the preservation of ancient monuments, for the exercise of control over traffic in antiquities and over excavation in certain places, and for the protection and acquisition in certain cases of ancient monuments and of objects of archæological, historical or artistic interest; It is hereby enacted as follows :—

Short title and extent.

1. (1) This Regulation may be called the Travancore Ancient Monuments Preservation Regulation.

(2) It extends to the whole of Travancore.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context.—

(1) "ancient monument" means any structure, erection or monument or any tumulus or place of interment, or any cave, rock-sculpture, inscription or monolith, which is of historical, archæological or artistic interest, or any remains thereof and includes—

(*a*) the site of an ancient monument;

(*b*) such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument; and

(*c*) the means of access to and convenient inspection of an ancient monument :

(2) "antiquities" includes any movable objects which *Our* Government, by reason of their historical or archæological associations, may think it necessary to protect against decay, injury, removal or dispersion ;

(3) "Commissioner" includes any officer authorised by Our Government to perform the duties of a Commissioner under this Regulation.

(4) "maintain" and "maintenance" include the fencing, covering in, repairing, restoring and cleansing of a protected monument, and the doing of any act which may be necessary for the purpose of maintaining a protected monument or of securing convenient access thereto : and

(5) "owner" includes the karanavan of a marumakkathayam Tarwad, a joint owner invested with powers of management on behalf of himself and other joint owners, and any manager or trustee exercising powers of management over an ancient monument, and the successor in title of any such owner and the successor in office or any such manager or trustee :

Provided that nothing in this Regulation shall be deemed to extend the powers which may lawfully be exercised by such karanavan, manager or trustee.

Protected monuments.

3. (1) Our Government may, by notification in Our Government Gazettee, declare an ancient monument to be a protected monument within the meaning of this Regulation.

(2) A copy of every notification published under sub-section (1) shall be fixed up in a conspicuous place on or near the monument, together with an intimation that any objections to the issue of the notification received by Our Government within one month from the date when it is so fixed up will be taken into consideration.

(3) On the expiry of the said period of one month, Our Government, after considering the objections, if any, shall confirm or withdraw the notification.

(4) A notification published under this section shall, unless and until it is withdrawn, be conclusive evidence of the fact that the monument to which it relates is an ancient monument within the meaning of this Regulation.

ANCIENT MONUMENTS.

Acquisition of rights in or guardianship of an ancient monument.

4. (1) The Division Peishkar, with the sanction of Our Government, may purchase or take a lease of any protected monument.

(2) The Division Peishkar, with the like sanction, may accept a gift or bequest of any protected monument.

(3) The owner of any protected monument may, by written instrument, constitute the Commissioner the guardian of the monument, and the Commissioner may, with the sanction of Our Government, accept such guardianship.

(4) When the Commissioner has accepted the guardianshp of a monument under sub-section (3), the owner shall, except as expressly provided in this Regulation, continue to have the same right, title and interest in and to the monument as if the Commissioner had not been constituted guardian thereof.

(5) When the Commissioner has accepted the guardianship of a monument under sub-section (3), the provisions of this Regulation relating to agreements executed under Section 5 shall apply to the written instrument executed under the said sub-section.

(6) Where a protected monument is without an owner, the Commissioner may assume the guardianship of the monument.

Preservation of ancient monument by agreement with the owner.

5. (1) The Division Peishkar may, with the previous sanction of Our Government, propose to the owner to enter into an agreement with Our Government for the preservation of any protected monument in his district.

(2) An agreement under this section may provide for the following matters, or for such of them as it may be found expedient to include in the agreement:

(a) the maintenance of the monument;

(b) the custody of the monument, and the duties of any person who may be employed to watch it;

(c) the restriction of the owner's right to destroy, remove, alter or deface the monument or to build on or near the site of the monument;

(d)* the facilities of access to be permitted to the public or to any portion of the public and to persons deputed by the owner or the Division Peishkar to inspect or maintain the monument;

(e) the notice to be given to Our Government in case the land on which the monument is situated is offered for sale by the owner, and the right to be reserved to Our Government to purchase such land, or any specified portion of such land, at its market value;

(f) the payment of any expenses incurred by the owner or by Our Government in connection with the preservation of the monument;

(g) the proprietory or other rights which are to vest in Our Government in respect of the monument when any expenses are incurred by Our Government in connection with the preservation of the monument;

(h) the appointment of an authority to decide any dispute arising out of the agreement; and

(i) any matter connected with the preservation of the monument which is a proper subject of agreement between the owner and Our Government.

(3) An agreement under this section may be executed by the Division Peishkar on behalf of Our Government, but shall not be so executed until it has been approved by Our Government.

(4) The terms of an agreement under this section may be altered from time to time with the sanction of Our Government and with the consent of the owner.

(5) With the previous sanction of Our Government, the Division Peishkar may terminate an agreement under this section on giving six months' notice in writing to the owner.

(6) The owner may terminate an agreement under this section on giving six months notice to the Division Peishkar.

(7) An agreement under this section shall be binding on any person claiming to be owner of the monument to which it relates, through or under a party by whom or on whose behalf the agreement was executed.

(8) Any rights acquired by Our Government in respect of expenses incurred in protecting or preserving a monument shall not be affected by the termination of an agreement under this section.

6. (1) If the owner is unable, by reason of infancy or other disability, to act for himself, the person legally competent to act on his behalf may exercise the powers conferred upon an owner by section 5.

Owners under disability or not in possession.

(2) In the case of village property, the person exercising powers of management over such property may exercise the powers' conferred upon an owner by section 5.

(3) Nothing in this section shall be deemed to empower any person not being of the same religion as the persons in whose behalf he is acting to make or execute an agreement relating to a protected monument which or any part of which is periodically used for the religious worship or observances of that religion.

7. (1) If the Division Peishkar apprehends that the owner or occupier of a monument intends to destroy, remove, alter, deface, or imperil the monument or to build on or near the site thereof in contravention of the terms of an agreement for its preservation under section 5, the Division Peishkar may make an order prohibiting any such contravention of the agreement.

Enforcement of agreement.

(2) If an owner or other person who is bound by an agreement for the preservation or maintenance of a monument under section 5 refuses to do any act which is in the opinion of the Division Peishkar necessary to such preservation or maintenance, or neglects to do any such act within such reasonable time as may be fixed by the Division Peishkar, the Division Peishkar may authorise any person to do any such act and the expense of doing any such act or such portion of the expense as the owner may be liable to pay under the agreement may be recovered from the owner as if it were an arrear of land revenue.

(3) A person aggrieved by an order made under this section may appeal to Our Dewan who may cancel or modify it and whose decision shall be final.

(4) A copy of the order directing recovery of the expenses from the owner under subsection (2) shall be served upon him.

(5) An appeal under sub-section (3), shall not lie if not preferred within sixty days of the date of service of the copy of the under subsection (4) except where he satisfies Our Dewan that he had sufficient cause for not preferring the appeal within the said period.

8. Every person who purchases at a sale for arrears of land revenue or any other demand recovered as if it were an arrear of land revenue any land in which is situated a monument in respect of which any instrument has been executed by the owner for the time being, under section 4 or section 5, and every person claiming any title to a monument from, through or under an owner who executed any such instrument, shall be bound by such instrument.

Purchasers at certain sales and persons claiming through owner bound by instrument executed by owner.

9. (1) If any owner or other person competent to enter into an agreement under section 5 for the preservation of a protected monument, refuses or fails to enter into such an agreement when proposed to him by the Division Peishkar and if any endowment has been created for the purpose of keeping such monument in repair, or for that purpose along with others, the Division Peishkar may make an application to the District Court for the proper application of such endowment or part thereof.

Application of en dowment to repair an ancient monument.

(2) On the hearing of an application under sub-section (1), the District Court may summon and examine the owner and any person whose evidence appears to *it* necessary, and may pass an order for the proper application of the endowment or of any part thereof, and any such order may be executed as if it were the decree of such Court.

10. (1) If Our Government apprehends that a protected monument is in danger of being destroyed, injured or allowed to fall into decay, Our Government may proceed to acquire it under the provisions of the Land Acquisition Regulation, as if the preservation of a protected monument were a "public purpose" within the meaning of that Regulation.

Compulsory pur chase of ancient monuments.

(2) The powers of compulsory purchase conferred by sub-section (1) shall not be exercised in the case of—

(*a*) any monument which or any part of which is periodically used for religious observances; or

(*b*) any monument which is the subject of a subsisting agreement executed under section 5.

(3) In any case other than the cases referred to in sub-section (2) the said powers of compulsory purchase shall not be exercised unless the owner or other person competent to enter into an agreement under section 5 has failed, within such reasonable period as the Division Peishkar may fix in this behalf, to enter into an agreement proposed to him under the said section or has terminated or given notice of his intention to terminate such an agreement.

11. (1) If our Government are of opinion that mining, quarrying, excavating, blasting and other operations of a like nature should be restricted or regulated for regulated for the purpose of protecting or preserving any ancient monutment, our Government may, by notification in our Government Gazette make rules—

Power of Government to control mi ning etc,, near an cient monument.

(*a*) fixing rhe boundaries of the area to which the rules are to apply,

(*b*) forbidding the carrying on of mining, quarrying, excavating, blasting or any operation of a like nature except in accordance with the rules and with the terms of a license, and

(*c*) prescribing the authority by which, and the terms on which, licenses may be granted to carry on any of the said operations.

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

(3) A rule made under this section may provide that any person committing a breach thereof shall be punishable with fine which may extend to two hundred rupees.

(4) If any owner or occupier of land included in a notification under sub-section (1) proves to the satisfaction of our Government that he has sustained loss by reason of such land being so included, Our Government shall pay compensation in respect of such loss.

Maintenance of certain protected monuments.

12. (1) The Commissioner shall maintain every monument in respect of which Our Government has acquired any of the rights mentioned in section 4 or which Our Government has acquired under section 10

(2) When the Commissioner has accepted the guardianship of a monument under section 4, he shall, for the purpose of maintaining such monument, have access to the monument at all reasonable times, by himself and by his agents, subordinates and workmen, for the purpose of inspecting the monument, and for the purpose of bringing such materials and doing such acts as he may consider necessary or desirable for the maintenance thereof.

Voluntary contributions.

13 The Commissioner may receive voluntary contributions towards the cost of maintaining a protected monument and may give orders as to the management and application of any funds so received by him :

Provided that no contribution received under this section shall be applied to any purpose other than the purpose for which it was contributed.

Protection of place of worship from misuse, pollution or desecration.

14. (1) A place of worship or shrine maintained by Our Government under this Regulation shall not be used for any purpose inconsistent with its character.

(2) Where the Division Peishkar has, under section 4, purchased or taken a lease of any protected monument, or has accepted a gift or bequest, or the Commissioner has under the same section, accepted the guardianship thereof, and such monument or any part thereof, is periodically used for religious worship or observances by any community, the Division Peishkar shall make due provision for the protection of such monument, or such part thereof, from pollution or desecration—

(a) by prohibiting the entry therein, except in accordance with conditions prescribed with concurrence of the persons in religious charge of the said monument or part thereof, of any person not entitled so to enter by the religious usages of the community by which the monument or part thereof is used ; or

(b) by taking such other action as he may think necessary in this behalf.

Relinquishment of Government rights in a monument.

15. With the sanction of our Government, the Commissioner may—

(a) where rights have been acquired by our Government in respect of any monument under this Regulation by virtue of any sale lease, gift or will, relinquish the rights so acquired to the person who would for the time being be the owner of the monument if such rights had not been acquired; or

(b) relinquish any guardianship of a monument which he has accepted under this Regulation.

Rights of access to certain protected monuments.

16. (I) Subject to such sules as may after previous publication be made by our Government, the public shall have a right of access to any monument maintained by our Government under this Regulation.

(2) In making any rule under sub section (1) our Government may provide that a breach of it shall be punishable with fine which may extend to twenty rupees.

Penalties.

17. Any person other than the owner who destroys, removes, injures, alters, defaces or imperils a protected monument and any owner who destroys, removes, injures, alters, defaces or imperils a monument maintained by Our Government under this Regulation or in respect of which an agreement has been executed under section 5, and anyowner or occupier who contravenes an order made under section 7, sub section (1), shall be punishable with fine which may extend to five thousand rupees, or with imprisonment which may extend to three months, or with both.

TRAFFIC IN ANTIQUITIES.

Power of Government to control traffic in antiquities.

18. (1) If our Government apprehend that antiquities are being sold or removed to the detriment of Travancore or of any neighbouring country, they may, by notification in Our Government Gazette, prohibit or restrict the bringing or taking by sea, by land or by air of any antiquities or class of antiquities described in the notification into or out of Travancore or any specified part of Travancore.

(2) Any person who brings or takes or attempts to bring or take any such antiquities into or out of Travancore or any part of Travancore in contravention of a notification issued under sub-section (1) shall, be punishable with fine which may extend to five hundred rupees.

(3) Antiquities in respect of which an offence referred to in sub-section (2) has been committed may be confiscated or otherwise dealt within any manner prescribed by Our Government.

(4) Any officer of Customs, or any officer of Police, duly empowered by our Government in this behalf, may search any vessel, cart or other means of conveyance, and may open any baggage or package of goods, if he has reason to believe that goods in respect of which an offence has been committed under sub-section (2) are contained therein.

(5) A person who complains that the power of search mentioned in sub-section (4) has been vexatiously or improperly exercised may

address his complaint to Our Government and Our Government shall pass such order and may award such compensation, if any, as appears to them to be just.

PROTECTION OF SCULPTURES, CARVINGS, IMAGES, BAS-RELIEFS, INSCRIPTIONS OR LIKE OBJECTS.

Power to Government to control moving of sculptures carvings or like objects.

19. (1) If Our Government consider that any sculptures, carvings, images, bas-reliefs, inscriptions or other like objects ought not to be moved from the place where they are without the sanction of Our Government, Our Government may by notification in Our Government Gazette, direct that any such object or any class of such objects shall not be moved unless with the written permission of the Division Peishkar.

(2) A person applying for the permission mentioned in sub-section (1) shall specify the object or objects which he proposes to move and shall furnish, in regard to such object or objects, any information which the Division Peishkar may require.

(3) If the Division Peishkar refuses to grant such permission, the applicant may appeal to Our Dewan whose decision shall be final.

(4) A copy of the order of the Division Peishkar granting or refusing permission shall be served upon the person who has applied for such permissison.

(5) An appeal shall not lie if not preferred within sixty days from the date of service of the copy of the order under sub-section (4) unless the appellant satifies Our Dewan that he had sufficient cause for not preferring the appeal within the said period.

(6) Any person who moves any object in contravention of a notification issued under sub-section (1), shall be punishable with fine which may extend to five hundred rupees.

(7) If the owner of any property proves to the satisfaction of Our Government that he has suffered any loss or damage by reason of the inclusion of such property in a notification published under sub-section (1), Our Government shall either—

(*a*) exempt such property from the said notification;

(*b*) purchase such property, if it be movable, at its market-value; or

(*c*) pay compensation for any loss or damage sustained by the owner of such property if it be immovable.

Purchase of sculptures, carvings or like objects by Government.

20. (1) If Our Government apprehend that any object mentioned in a notification issued under Section 19, sub-section (1) is in danger of being destroyed, removed, injured or allowed to fall into decay, Our Government may pass orders for the compulsory purchase of such object at its market value, and the Division Peishkar shall thereupon give notice to the owner of the object to be purchased.

(2) The powers of compulsory purchase given by this section shall not extend to—

(*a*) any image or symbol actually used for the purpose of any religious observance; or

(*b*) anything which the owner desires to retain on any reasonable ground personal to himself or to any of his ancestors or to any member of his family.

ARCHÆOLOGICAL EXCAVATION.

Power of Government to notify areas as protected.

21. (1) If Our Government are of opinion that excavation in any area should be restricted or regulated in the interests of archæological research, Our Government may, by notification in Our Government Gazette specifying the boundaries of the area, declare it to be a protected area.

(2) From the date of such notification all antiquities buried in the protected area shall be the property of Our Government and shall be deemed to be in the possession of Our Government and shall remain the property and in the possession of Our Government until ownership thereof is transferred; but in all other respects the rights of any owner or occupier of land in such area shall not be affected.

Power to enter upon and make excavations to a protected area.

22. (1) Any officer of the Archæological Department may, with the written permission of the Division Peishkar, enter upon and make excavations in any protected area.

(2) Where, in the exercise of the power conferred by sub-section (1), the rights of any person are infringed by the occupation or disturbance of the surface of any land, Our Government shall pay to that person compensation for the infringement.

Power of Government to make rules regulating archæological excavation in protected areas.

22. (1) Our Government may make rules generally to carry out the purposes on Section 21.

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

(3) Such rules may be general for all protected areas for the time being, or may be, special for any particular protected area or areas.

(4) Such rules may provide that any person committing a breach of any rule shall be punishable with fine which may extend to five thousand rupees.

Power to acquire a protected area.

24. If Our Government are of opinion that a protected area contains an ancient monument or antiquities of national interest and value, Our Government may acquire such area or part under the Land Acquisition Regulation, as for a public purpose.

GENERAL.

25. The market-value of any property which Our Government are empowered to purchase at such value under this Regulation, or the compensation to be paid by Our Government in respect of any thing done under this Regulation shall, where any dispute arises in respect of such market-value or compensation; be ascertained in the manner provided by the Land Acquisition Regulation: Provided that when making an inquiry under the said Land Acquisition Regulation, the Division Peishkar shall be assisted by two assessors, one of whom shall be a competent person nominated by the Division Peishkar and one a person nominated by the owner or in case the owner fails to nominate an assessor within such reasonable time as may be fixed by the Division Peishkar in this behalf, by the Division Peishkar.

Assessment of market value or compensation.

26. A Magistrate of the third class shall not have jurisdiction to try any person charged with an offence against this Regulation.

Jurisdiction.

27. (1) Our Government may make rules for carrying out any of the purposes of this Regulation.

Power to make rules.

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

28. No suit for compensation and no criminal proceedings shall lie against any public servant in respect of any act done, or in good faith intended to be done, in the exercise of any power conferred by this Regulation.

Protection to public servants acting under Regulation.

Annexure II.

THE TRAVANCORE CO-OPERATIVE SOCIETIES BILL.

(As passed by the Sri Mulam Assembly.)

Pramble.

Whereas it is expedient further to faclitate the formation and working of Co-operative Societies for the promotion of thrift, self-help and mutual aid among agriculturists and other persons with common economic needs so as to bring about better living, better business and better methods of production and for that purpose to consolidate and amend the law relating to Co-operative Societies in Travancore; It is hereby enacted as follows:—

PRELIMINARY.

Short title and extent.

1. (1) This Regulation may be called the Travancore Co-operative Societies Regulation 1112.

(2) It shall come into force on such date as Our Government may appoint in that behalf by notification in Our Government Gazette.

(3) It shall extend to the whole of Travancore.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context;—

(*a*) "Bye-laws" means the registered bye-laws for the time being in force and includes a registered amendment of the bye-laws;

(*b*) "Committee" means the governing body of a registered Society to whom the management of its affairs is entrusted;

(*c*) "Member" includes a person joining in the application for the registration of a society and a person admitted to membership after registration in accordance with the bye-laws and rules;

(*d*) "Officer" includes a Chairman, Vice-Chairman, a President, Vice-President, Secretary, and Assistant Secretary, Treasurer, Member of Committee and any other person empowered under the rules or bye-laws to give directions in regard to the business of the society;

(*e*) "Registered Society" *or Society* means a society registered or deemed to be registered under this Regulation;

(*f*) "Registrar" means a person appointed to perform the duties of a Registrar of Co-operative Societies under this Regulation;

(*g*) "Rules" means rules made under this Regulation and

(*h*) "prescribed" means prescribed by Rules made by Our Government under this Regulation.

REGISTRATION.

The Registrar.

3. Our Government may appoint a person to be Registrar of Co-operative Societies for the whole of Travancore and may appoint persons to assist such Registrar and may by general or special order confer on any such persons all or any of the powers of a Registrar under this Regulation.

4. Subject to the provisions hereinafter contained, a society which has as its object the promotion of the economic interests of its members in accordance with co-operative principles, or a society established with the object of facilitating the operations of such a society may be registered under this Regulation with or without limited liability:

Societies which may be Registered.

Provided that unless our Government by General or special order otherwise directs—

(*i*) The liability of a Society of which a member is a registered society shall be limited; and

(*ii*) the liability of a society of which the primary object is the creation of funds to be lent to its members, and of which the majority of the members are agriculturists and of which no member is a registered society shall be unlimited and the members of such a society shall, on its liquidation be jointly and severally liable for and in respect of all its obligations:

Provided further that when the question whether the liability of a society is limited or unlimited has been decided at the time of Registration, the decision shall be final.

5. (1) Subject to the first proviso to Section 4 and to any rules made in this behalf, a Registered society may, with the previous sanction of the Registrar, change its liability from limited to unlimited or from unlimited to limited;

Change of liability,

Provided that—

(*i*) the society shall give notice in writing in the prescribed manner of its intention to change its liability to all its members and creditors;

(*ii*) any member or creditor shall, notwithstanding any bye-law or contract to the contrary, have the option of withdrawing his shares, deposits or loans, as the case may be within three months of the service of such notice on him and the change shall not take effect until all such claims have been satisfied; and

(*iii*) any member or creditor, who does not exercise his option within the period aforesaid, shall be deemed to have assented to the change.

(2) Notwithstanding anything contained in the proviso to sub-section (1), the change shall take effect at once if all the members and creditors assent thereto, in the prescribed manner.

6. Where the liability of the members of a society is limited by shares, no member other than a registered society shall—

Restrictions on interest of member of society with limited liability and a share capital.

(*a*) hold more than such portion of the share capital of the society, subject to a maximum of one-fifth, as may be prescribed by the rules ; or

(*b*) have or claim any interest in the shares of the society, exceeding thousand rupees.

7. (1) No society other than a society of which a member is a registered society, shall be registered under this Regulation which does not consist of at least ten persons who have attained the age of majority and, where the object of the society is the creation of funds to be lent to its members, unless such persons reside in the same town or village or in the same group of villages.

Conditions of Registration.

Explanation. Nothing in this sub-section shall be deemed to prohibit the registration, in exceptional cases, of societies restricted to members of the same tribes, class, caste or occupation.

(2) the word 'limited' shall be the last word in the name of every society with limited liability registered under this Regulation.

Power of Registrar to decide certain questions.

8. When any question arises whether for the purpose of the formation or registration or continuance of a society under this Regulation a person is an agriculturist or a non-agriculturist or whether any person is a resident in a town or village or group of villages or whether two or more villages shall be considered to form a group or whether any person belongs to any particular tribe class, caste or occupation, the question shall be decided by the Registrar whose decision shall be final.

Application for registration.

9. (1) For purposes of registration, an application to register shall be made to the Registrar.

2 The application shall be signed—

(a) in the case of a society of which no member is a registered society, by at least ten persons qualified in accordance with the requirements of Section 7, sub-section 1; and

(b) in the case of a society of which a member is a registered society, by a duly authorised person on behalf of evey such registered society and where all the members of the society are not registered societies, by ten other members, or when there are less than ten other members, by all of them.

(3) The application shall be accompanied by a copy of the proposed bye-laws of the society and the persons by whom or on whose behalf such application is made shall furnish such information in regard to the society as the Registrar may require.

Registration.

10. If the Registrar is satisfied that a society has complied with the provisions of this Regulation and the rules and that its proposed bye-laws are not contrary to this Regulation or to the rules, he, may if he thinks fit register the society and its bye-laws. In case of refusal an appeal shall be to Our Government within two months from the date of the issue of the order or refusal.

Evidence of registration.

11. A certificate of registration signed by the Registrar shall be conclusive evidence that the society therein mentioned is duly registered, unless it is proved that the registration of the society has been cancelled.

Amendment of the bye-laws of a registered society.

12. (1) No amendment of the bye-laws of a registered society whether by way of cancellation, addition or alteration shall be valid until approved by the resolution of a general meeting and registered under this Regulation, for which purpose, a copy of the amendment shall be forwarded to the Registrar.

(2) If the Registrar is satisfied that any amendment of the bye-laws is not contrary to this Regulation or the rules he may, of he thinks fit, register the amendment. In the case of refusal an apeal shall be lie to Our Government within two months from the date of the issue of the order of refusal.

(3) When the registrar registers an amendment of the bye-laws of a society, he shall issue to the society a copy of the amendment certified by him, which shall be conclusive evidence that the same is duly registered.

GENERAL MEETINGS.

13. Every registered society shall call an annual general meeting of its members within the time prescribed therefor.

Annual general meetings.

15. A special general meeting may be called at any time by a majority of the Committee and shall be called within one month—

Special general meeting.

(1) on the requisition in writing of *not less than* one-fifth of the members of the society, or

(2) at the instance of the registrar.

CHANGES SUBSEQUENT TO REGISTRATION.

15. A society may, by a resolution of a general meeting of its members and with the approval of the Registrar, change its name; but such change shall not affect any right or obligation of the society, or of any of its members, or past members and any legal proceedings pending may be continued by or against the society under its new name.

Change of name; its effect.

16. (1) (*a*) Any registered society may, at a general meeting of its members specially called for the purpose of which at least seven clear days' notice shall be given to its members, resolve to divide itself into two or more societies. The resolution (hereinafter in this sub-section referred to as the preliminary resolution) shall contain proposals for the division of the assets and liabilities of the society among the new societies into which it is proposed to divide it and prescribe the area of operations of, and specify the members who will constitute, each of the new societies

Division and amalgamation of Societies.

(*b*) (*i*) A copy of the preliminary resolution shall be sent to all the members and creditors of the society.

(*ii*) Any member of the society may, notwithstanding any bye-law to the contrary, by notice given to the society within a period of three months from his receipt of the preliminary resolution, intimate his intention not to become a member of any of the new societies.

(*iii*) Any creditor of the society may, notwithstanding any agreement to the contrary, by notice given to the society within the said period, intimate his intention to demand a return of the amount due to him.

(*c*) After the expiry of three months from the receipt of the preliminary resolution by all the members and creditors of the society, a general meeting of the members of the society of which at least fifteen clear days' notice shall be given to the members, shall be convened for considering the preliminary resolution. If at such meeting the preliminary resolution is confirmed by a resolution passed by a majority of not less than two-thirds of the members present, either without changes or with such changes as, in the opinion of the Registrar, are not material, he may, subject to the provisions of clause (*e*) and Section 10 register the new societies and the bye-laws thereof. On such registration, the registration of the old society shall be deemed to have been cancelled.

The opinion of the Registrar as to whether the changes made in the preliminary resolution are or are not material shall be final and no appeal shall lie therefrom.

(*d*) At the meeting referred to in clause (*c*) provision shall be made by another resolution for—

(i) the repayment of the share capital of all the members who have given notice under sub-clause (ii) of clause (*b*) and

(ii) the satisfaction of the claims of all the creditors who have given notice under sub-clause (iii) of clause (*b*) :

Provided that no member or creditor shall be entitled to such repayment or satisfaction until the preliminary resolution is confirmed as provided in clause (*c*).

(*e*) If, within such time as the Registrar considers reasonable, the share capital of the members referred to in clause (*d*) is not repaid or the claims of the creditors referred to in that clause, are not satisfied, the Registrar may refuse to register the new societies.

(*f*) The registration of the new societies shall be a sufficient conveyance to vest the assets and liabilities of the original society in the new societies in the manner specified in the preliminary resolution as confirmed under clause (*c*).

(2) (*a*) Two or more registered societies may, at general meetings of their respective members specially called for the purpose of which at least seven clear days' notice shall be given to their respective members, resolve to amalgamate into one society. This resolution is hereinafter in this sub-section referred to as the preliminary resolution.

(*b*) (i) A copy of the preliminary resolution of each society shall be sent to all the members and creditors thereof.

(ii) Any member of any such society may, notwithstanding any bye-law to the contrary, by notice given to the society of which he is a member within a period of three months from his receipt of the preliminary resolution, intimate his intention not to become a member of the new society.

(iii) Any creditor of any such society may, notwithstanding any agreement to the contrary by notice given to the society of which he is a creditor within the said period, intimate his intention to demand a return of the amount due to him.

(*c*) After the expiry of three months from the receipt of the preliminary resolution by all the members and creditors of all the societies a joint meeting of the members of such societies of which at least fifteen clear days' notice shall be given to them, shall be convened for considering the preliminary resolution. If, at such meeting the priliminary resolution is confirmed by a resolution passed by a majority of not less than two-thirds of the members present either without changes or with such changes as in the opinion of the Registrar, are not material, he may, subject to the provisions of clause (*e*) and Section 10, register the new society and the bye-laws thereof. On such registration, the registration of the old societies shall be deemed to have been cancelled.

The opinion of the Registrar as to whether the changes made in the preliminary resolution are or are not material shall be final and no appeal shall lie therefrom.

(*d*) At the joint meeting referred to in clause (*c*), provision shall be made by another resolution for—

(i) the repayment of the share capital of all the members who have given notice under sub clause (ii) of clause (*b*) and

(ii) the satisfaction of the claims of all the creditors who have given notice under sub-clause (iii) of clause (*b*) :

Provided that no member or creditor shall be entitled to such repayment or satisfaction until the preliminary resolution is confirmed as provided in clause (*c*).

(*e*) If, within such time as the Registrar considers reasonable, the share capital of the members referred to in clause (*d*) is not repaid or the claims of the creditors referred to in that clause are not satisfied, the Registrar may refuse to register the new society.

(*f*) The registration of the new society shall be a sufficient conveyance to vest in it all the assets and liabilities of the original societies.

RIGHTS AND LIABILITIES OF MEMBERS.

Member not to exercise rights till due payments made.

17. (1) No member of a registered society shall, save as otherwise provided in sub-section (2), exercise the rights of a member unless or until he has made such payment to the society in respect of membership or acquired such interest in the society as may be prescribed by the rules and bye-laws of such society.

(2) In the case of a society registered after the commencement of this Regulation, the persons who have signed the application to register the society may elect a Committee to conduct the affairs of the society for a period of three months from the date of registration or for such further period as the Registrar may consider desirable :

Provided that the Committee shall cease to function as soon as the members of the society have elected a Committee in accordance with its bye-laws.

Votes of members.

18. (1) No member of any registered society shall have more than one vote in the affairs of the society provided that in the case of an equality of votes the chairman shall have a casting vote.

(2) A registered society which has invested any part of its funds in the shares of another registered society may appoint any of its members not disqualified for such appointment under any rules prescribed in that behalf to vote in the affairs of such other registered society.

Restrictions on transfer of share or interest.

19. (1) The transfer or charge of the share or interest of a member in the capital of a registered society shall be subject to such conditions as to maximum holding as may be prescribed by this Regulation or by the rules.

(2) A member shall not transfer any share held by him or his interest in the capital or property of any society or any part thereof unless :—

(*a*) he has held such share or interest for not less than one year ; and

(*b*) the transfer or charge is made to the society or to a member of the society or to a person whose application for membership has been accepted by the society.

DUTIES OF REGISTERED SOCIETIES.

Address of societies

20. Every *registered* society shall have an address registered in accordance with the rules, to which all notices and communications may be sent, and shall *give* notice in writing to the Registrar of any change in the said address within thirty days of such change.

Copy of Regulation, Rule and bye-laws to be open to Inspection.

Every registered society shall keep open to inspection, free of charge at all reasonable times at the registered address of the society—

(*a*) a copy of this Regulation,
(*b*) a copy of the Rules goverding tuch society,
(*c*) a copy of the bye laws or such society, and
(*d*) the register of its members.

Audit.

22. (1) The Registrar shall by himself or by some person authorised by him in writing by general or special order in this behalf audit the accounts of every society once at least in every year.

(2) The audit under sub-section (1) shall include an examination of overdue debts, if any, the verification of cash balance and securities and a valuation of the assets and liabilities of the society.

(3) The Registrar or other person auditing the accounts of any society shall have free access to the books, accounts and vouchers of such society and shall be allowed to verify its cash balances and securities.

The Committee, Secretary and other officers of the society shall furnish to the Registrar or other person appointed to audit the accounts of a society all such information as to its transactions and working as the Registrar or such person may require and shall produce the cash for verification with the cash balance when demanded by the Registrar or the person appointed to audit.

(4) The Registrar and every other person appointed to audit the accounts of a society shall have power when necessary—

(i) to summon at the time of his audit any officer, agent, servant or member of the society who he has reason to believe can give valuable information in regard to any transaction of the society or the management of its affairs, or

(ii) to require the production of any book or document relating to the affairs of the society or any cash or securities belonging to the society by the officer, agent, servant or member in possession of such book, document, cash or securities.

PRIVILEGES OF REGISTERED SOCIETIES.

Societies to be bodies corporate.

23. The registration of a society shall render it a body corporate by the name under which it is registered, with perpetual succession and a common seal, and with power to hold property, to enter into contracts, to institute and defend suits and other legal proceedings and to do all things necessary for the purposes for which it was constituted.

Prior claim of society.

24. Subject to the prior claim if any, of Our Government in respect of land revenue or any money recoverable as land revenue or of a landlord in respect of rent, any debt or outstanding demand owing to a society by any member, or past member or deceased member shall be a first charge :

(1) upon crops or other agricultural produce raised in whole or in part with a loan taken from the society by such member or past member or deceased member ; and

(2) upon any cattle, fodder for cattle, agricultural or industrial implements or machinery or raw materials for manufacture or workshops, godown or place of business supplied to or purchased by such member or past member or deceased member in whole or in part from any loan whether in money or goods given him by the society :

Provided that nothing contained in this clause shall affect the claim of any *bonafide* purchaser or transferee for value without notice of any such crops or other agricultural produce, cattle, fodder for cattle or raw materials for manufacture or work-shops or agricultural or industrial implements.

Charge and set off in respect of shares or interest of member

25 A registered society shall have a charge upon the share or interest in the capital and on the deposits of a member or past or deceased member and upon any dividend, bonus or profits payable to a member or past member or the estate of a deceased member in respect of any debt due from such member or past member to the society, and may set off any sum credited or payable to a member or past member or the estate of a deceased member in or towards payment of any such debt.

Shares or interest not liable to attachment.

26 Subject to the provisions of Section 25, the share or interest of a member in the capital of a registered society shall not be liable to attachment or sale under any decree or order of a Court of Justice in respect of any debt or liability incurred by such member, and neither the Receiver under the law of insolvency for the time being in force nor a Receiver appointed under the Code of Civil Procedure, 1100 shall be entitled to or have any claim on such share or interest.

Transfer of interest on death of member

27. (1) On the death of a member of a society, such society may, within a period of one year from the death of such member, transfer the share or interest of the deceased member to a person or persons nominated in accordance with the bye-laws of the society, if duly admitted a member of the society in accordance with the rules or the bye-laws of the society, or if there is no person so nominated, to such person as may appear to the committee to be the heir or legal representative of the deceased member if duly admitted a member of the society, or may pay to such nominee, heir or legal representative, as the case may be, a sum representing the value of such member's share or interest ascertained in accordance with the rules or bye-laws:

Provided that such nominee, heir or legal representative, as the case may be, may require that payment shall be made by the society within one year from the death of the member of the value of the share or interest of such member ascertained as aforesaid.

(2) A society shall, subject to the provisions of Section 25 and unless prevented by an order of a competent court, pay to such nominee, heir or legal representative as the case may be, all other moneys due to the deceased member from the society.

(3) All transfer and payments made by a society in accordance with the provisions of this Section shall be valid and effectual against any demand made upon the society by any other person.

Liability of past member or of the estate of a deceased member

28. The liabiltty of a past member or of the estate of a deceased member for the debts of a registered society as they existed on the date of his ceasing to be a member or of his decease as the case may be, shall continue for a period of two years from such date.

Register of members.

29. Any register or list of members or shares kept by any registered society shall be *prima facie* evidence of any of the following particulars entered therein—

(*a*) the date on which the name of any person was entered in such register or list as a member.

(*b*) the date on which any such person ceased to be a member.

Admissibility of copy of entry as evidence

30 A copy of any entry in any book, register or list regularly kept in the course of business in the possession of a society shall, if duly certified in such manner as may be prescribed by the rules, be admissible in evidence of the existence of the entry and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original entry would, if produced, have been admissible to prove such matters.

Power to attach and sell defaulter's property.

31 Whenever a decision or an award of the Registrar or arbitrator or an order of the Registrar or liquidator is obtained by a registered society for the realisation of money, any such money may be recovered as arrears of public revenue under the Revenue Recovery Regulation, 1 of 1068 subject to such rules, if any, as may be prescribed, and Our Government may for such purposes confer on the Registrar or any Officer subordinate to him the powers of a Division Peishkar or other Officer under the said Regulation ;

Provided that the powers of a Division Peishkar shall not be conferred on any Officer who is inferior in rank to that of an Assistant Registrar.

Explanation—Any right of appeal or application for revision or Civil suit available in respect of the orders or actions under the Revenue Recovery Regulation, 1 of 1068 shall be available to the parties,

Exemption from compulsory registration of instruments relating to shares and debentures of registered society.

32 Nothing in Section 10, sub-section (1), clauses (*a*) and (*b*) of the Travancore Registration Regulation, 1087 shall apply to :—

(1) any instrument relating to shares in a registered society notwith standing that the assets of such society consist in whole or in part of immovable property ; or

(2) any debenture issued by any such society and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immovable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the society has mortgaged, conveyed or otherwise transferred the whole or part of its immovable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures; or

(3) any endorsement upon or transfer of any debenture issued by any such society.

Power to exempt from Income-tax, Municipal tax, Stamp duty, Registration and Court fees.

33. Our Government by notification in Our Government Gazette, may in the case of any society or class of societies remit—

(1) the income-tax or supertax payable in respect of the profits of the society, or of the dividends or other payments received by the members of the society on account of profits or in respect of interest on securities held by the society ;

(2) any tax payable under the law of Municipalities for the time being in force ;

(3) the stamp duty with which, under any law for the time being in force, instruments excuted by or on behalf of a society or by an officer or member and relating to the business of such society or any class of such instruments, or awards of the Registrar or arbitrators under this Regulation are respectively chargeable ; and

(4) any fee payable under the law of Registration or of Court fees for the time being in force.

Government aid to registered societies.

34. Notwithstanding anything contained in any other enactment, Our Government may, subject to such rules as may be prescribed in this behalf, grant loans to, take share in, or give financial assistance in any other form to any registered society.

Explanation. – Nothing in this Section shall be constructed as entitling Our Government to become a member of any society without the society admitting Government as a member.

PROPERTY AND FUNDS OF REGISTERED SOCIETIES.

Restrictions on loans.

35. (1) A registered society shall not make a loan to any person other than a member :

Provided that, with the general or special sanction of the Registrar a registered society may make loans to another registered society.

(2) Save with the sanction of the Registrar, a registered society shall not lend money on the security of movable property other than agricultural produce.

(3) Notwithstanding anything contained in sub-sections (1) and (2), a registered society may make a loan to a depositor on the security of his deposit.

(4) Our Government may, by general or special order, prohibit or restrict the lending of money on mortgage of immovable property by any registered society or class of registered societies.

Restrictions on borrowings.

(5) A registered society shall receive deposits and loans only to such extent and under such conditions as may be prescribed by the rules or the bye-laws of the society.

Restriction on other transactions with non-members.

36. Save as provided in Section 35, the transaction of a registered society with persons other than members shall be subject to such prohibitions and restrictions, if any, as Our Government may, by rules, prescribe.

Investment of Funds.

37. Subject to the provisions of sub-section (4) of Section 35, a registered society may invest or deposit its funds :—

(a) in Our Government Savings Bank : or

(b) in Promissory Notes, Debentures, stock or other securities of the Government of India ; or

(c) in stock or debentures or of shares in Railway or other companies, the interest whereon shall have been guaranteed by the Government of India or by the Government of Travancore ; or

(d) on a first mortgage of immovable property situate in Travancore provided that the property is not a leasehold for a term of years and that the value of the property exceeds be one-third or if it consists of buildings, exceeds by one-half, the mortgage amount ; or

(e) in the shares or on the security of any other registered society in Travancore, provided that no such investment shall be made in the shares of any society other than one with ilimted liability; or

(f) with any bank or person carrying on the business of banking approved for this purpose by the Registrar; or

(g) in any other mode permitted by the rules.

(2) Any investments or deposits made before the commencement of this Regulation which would have been valid if this Regulation had been in force are hereby ratified confirmed.

Restrictions on dividend.

38. No society shall pay a dividend to its members at a rate exceeding 7½ per cent.

Reserve Fund.

39. (1) Every society which does or can derive a profit from its transactions shall maintain a Reserve Fund.

(2) In the case of a Society with unlimited liability, at least one-fourth of the net profits of the society each year shall be carried to the Reserve Fund and in the case of any other society at least one-tenth of the net profits of the Society each year shall be carried to the Reserve Fund; and such Reserve Fund shall not be used in the ordinary business of the Society but may, subject to the provisions of Section 37, be invested as Our Government may by general or snecial order direct or may with the previous sanction of Our Government be used in part for some public purpose likely to promote the objects of this Regulation or for some purposes of lacal interest or may be drawn upon to the extent of not more than twenty-five per cent thereof for purposes sanctioned by the Registrar.

Restrictions on distribution of profits.

40 Subject to the provisions of Section 38, the balance of the profits of a society after making the prescribed provision for the Reserve Fund may, together with any available profits of past years, be distributed among its members, provided that no distribution of profits shall be made without the sanction of the Registrar.

Provident Fund.

41. Any society may establish a provident fund for its members out of contributions from such members in accordance with bye-laws made by the society in this behalf and may contribute to such provident fund from its net profits, after the prescribed payments have been made to the Reserve Fund, provided that such provident fund shall not be used in the business of the society but shall be invested under the provisions of Section 86; and provided further that no part of such provident fund shall be considered as an asset of such society.

Contribution to charitable purposes.

42. Any registered society may after one-fourth, or one-tenth, as the case may be, of the net profits in any year has been carried to a reserve fund, contribute, subject to the approval of the Registrar, an amount not exceeding 7½ per cent. of the remaining net profits to any charitable purpose as defined in Section II of the Charitable Endowments Regulation of 1102 M. E.

INQUIRY AND INSPECTION.

Inquiry by Registrar.

43. (1) The Registrar may of his awn motion, and shall on the application of the majority of the Committee or of not less than one-third of the members, hold an inquiry or direct some person authorised by him by order in writing in this behalf to hold an inquiry into the constitution, working and financial condition of a registered society.

(2) The Registrar or the person authorised by him under sub-section (1) shall have the following powers, namely :—

(a) He shall, at all reasonable times, have free access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the society and may summon any person in possession or responsible for the custody of any such books, accounts, documents, securities, cash or other properties to produce the same at any place at the headquarters of the society or any branch thereof.

(b) He may summon any person who he has reason to believe has knowledge of any of the affairs of the society to appear before him at any place at the headquarters of the society or any branch thereof and may examine such person on oath.

(c) (i) He may, notwithstanding any rule or bye-law prescribing the period of notice for a general meeting of the society, require the officers of the society to call a general meeting at such time and place at the headquarters of the society or any branch thereof and to determine such matters as may be directed by him and if the officers of the society refuse or fail to call such a meeting, he shall have power to call it himself.

(ii) Any meeting called under clause (i) shall have all the powers of a general meeting called under the bye-laws of the society and its proceedings shall be regulated by such bye-laws.

Inspection of Books by Registrar.

44. (1) The Registrar may, on the application of a creditor of a registered society inspect or direct some person authorised by him in this behalf by a general or special order in writing to inspect the books of the society.

(2) No inspection shall be made or directed under sub-section (1) unless the creditor—

(a) satisfies the Registrar that the debt is a sum then due and that he has demanded payment thereof and has not received satisfaction within a reasonable time ; and

(b) deposits with the Registrar such sum as security for the costs of the proposed inspection as the Registrar may require.

(3) Where an inspection is made under sub-section (1), the Registrar shall communicate the results of such inspection to the creditor to whom the society is indebted.

Costs of inquiry and inspection.

45. Where an inquiry is held under Section 43 or an inspection is made under Section 44, the Registrar may after giving the parties an opportunity to be heard, apportion the costs, or such part of the costs as he may think right, between the society, the members creditor demanding or an inquiry or inspection and the officers or former officers of the society in accordance with such rules as may be made bo our Governm nt.

Recovery of costs.

46. Any sum awarded by way of costs under Section 45 may be recovered as if it were an arrear of Land Revenue.

SUPERSESSION OF COMMITTEE OF SOCIETY.

Supersession of Committee.

47. (i) If, in the opinion of the Registrar the Committee of any registered society is not functioning properly, he may, after giving an opportunity to the Committee to state its objections and after recording a finding that the objections are unsatisfactory, (if such be his finding) call upon the members of the society to appoint a new Committee within such-

time, not being less than one month as may be fixed by him. If a new Committee is not appointed accordingly or if the Committee appointed is after trial or six months, found wanting in the opinion of the Registrar, and if the Registrar is of opinion that in the circumstances of the case, it is undesirable to order the cancellation of the Registration of the Society, he may by order in writing, dissolve the Committe, and appoint a suitable Committee consisting of as many members of that Society as he may deem necessary to manage the affairs of the society for a specific period not exceeding one year. The period specified in such order may, at the discretion of the Registrar, be extended from time to time, provided that such order shall not remain in force for more than two years in the aggregate.

(2) The Committee so appointed by the Registrar shall have all such powers, and responsibilities as a Committee of the Society has according to the bye laws of the society.

(3) The Committee appointed by the Registrar, shall, at the expiry of the period of its appointment, arrange for the constitution of a new Committee in accordance with the bye laws of the society.

(4) Before taking action under sub-section (1) in respect of any society the Registrar shall in the prescribed manner consult such body of persons, if any, as may be prescribed by Our Government, in that behalf, regarding the action and regarding such other matters as may as may be prescribed.

(5) Nothing in this section shall be deemed to affect the powers of the the Registrar to cancel the registration of any Society under any other section.

DISSOLUTION OF SOCIETY.

Dissolution.

48. (1) If the Registrar, after an inquiry has been held under Section 43 or after an inspection has been made under Section 44 or on receipt of an application made by three-fourths of the members of a registered society, is of opinion that the society ought to be dissolved, he may by order in writing cancel the registration of the society. A copy of the order shall forthwith be communicated to society.

(2) Any member of the society may, within two months from the date of the order made under sub-section (1) appeal to Our Government from such order.

(3) Where no appeal is presented within two months from the making of an order cancelling the registration of the society, the order shall take effect on the expiry of that period.

(4) Where an appeal is presented within two months, the order shall not take effect until it is confirmed by Our Government and such confirmation is communicated to the society.

Cancellation of registration of Society.

49. Where it is a condition of the registration of a society that it should consist of at least ten members who have attained the age of majority, the Registrar may, by order in writing, cancel the registration of the society if at any time it is proved to his satisfaction that the number of the members has been reduced to less than ten such members.

Effect of cancellation of registration.

50. Where the registration of a society is cancelled the society shall cease to exist as a corporate body;

(a) in the case of cancellation in accordance with the provisions of Section 48, from the date the order of cancellation takes effect;

(b) in the case of cancellation in accordance with the provisions of Section 49, from the date of the order.

Winding up.

51. (1) Where the registration of a society is cancelled under Section 48 or Section 49, the Registrar may appoint any person to be liquidator of the society.

(2) Subject to any rules that may be made under this Regulation, the whole of the assets of the society shall, on the appointment of a liquidator under sub-section (1), vest in such liquidator and he shall have power to realise such assets by sale or otherwise.

(3) Such liquidator shall also have power, subject to the control of the Registrar :—

(a) to institute and defend suits and other legal proceedings on behalf of the society by his name of office ;

(b) to get disputes referred to arbitration ;

(c) to determine from time to time the contribution to be made or remaining to be made by the members or past members or by the estates or nominees, heirs or legal representatives of deceased members or by any officers or former officers, to the assets of the society, such contribution including debts due from such members or persons ;

(d) to investigate all claims against the society and subject to the provisions of this Regulation to decide questions of priority arising between claimants ;

(e) to pay claims against the society (including interest up to the date of cancellation of registration) according to their respective priorities, if any, in full or rateably as the assets of the society permit, the surplus if any, remaining after payment of the claims being applied in payment of interest from the date of such cancellation at a rate fixed by him but not exceeding the contract rate in any case ;

(f) to determine by what persons and in what proportions the costs of the liquidation are to be borne ;

(g) to give such directions in regard to the collection and distribution of the assets of the society as may appear to him to be necessary for winding up the affairs of the society ; and

(h) to carry on the business of the society so far as may be necessary for the beneficial winding up of the same.

(4) Subject to any rules that may be made under this Regulation, a liquidator appointed under this Section shall, in so far as such powers are necessary for carrying out the purposes of this Section, have power to summon and enforce the attendance of witnesses and to compel the production of any books, accounts, documents, securities, cash or other properties belonging to or in the custody of the society by the same means and (so far as may be) in the same manner as is provided in the case of a civil court under the Code of Civil Procedure, 1100.

(5) When the affairs of the society have been wound up, the liquidator shall deposit the records of the society in such place as the Registrar may direct.

(6) Any person aggrieved by any order of the liquidator may in the prescribed manner appeal to the Registrar against such order within two months from the date of the issue of the order.

Bar of suit in winding up and dissolution matters.

52. Save in so far as is expressly provided in this Regulation.

(*a*) no Civil court shall take orgnaizance of any matter connected with the winding up, dissolution or cancellation of the registration of a society under this Regulation, and

(*b*) no suit or other legal proceeding shall lie or be proceeded with in respect of any order of the liquidator or of the Registrar passed in appeal therefrom except by leave of the Registrar or in case such leave is refused by the Registrar, by leave of the District Court having local jurisdication and subject to such terms, if any as the Regigstar or the Ditrict Court as the case may be may impose.

Disposal of surplus assets.

53. After all the liabilities including the paid up share capital of a cancelled society have been met, the surplus assets shall not be divided amongst its members but they shall be devoted to any object or objects described in the bye-laws of the society and when no object is so described to any object of public utility determined by the general meeting of the society and approved by the Registrar or they may in consultation with them either be assigned by the Registrar in whole or in part to any or all of the following :—

(*a*) an object of public utility of local or communal interest ;

(*b*) a charitable purpose as defined in Section II of the Charitable Endowments Regulation of 1082 M. E.;

(*c*) the Travancore Co-operative Institute, Trivandrum ;

or may be placed on deposit with the Central Co-operative Bank until such time as a new society with similar conditions is registered when with the consent of the Registrar such surplus may be credited to the Reserve Fund of such new society.

SURCHARGE AND ATTACHMENT.

Surcharge.

54. (1) Where in the course of an audit under Section 22 or an inquiry under Section 43 or an inspection under Section 44 or the winding up of a society, it appears that any person who has taken part in the organisation or management of the society or any past or present officer of the society has misappropriated or fraudulently retained any money or other property or been guilty of breach of trust in relation to the society, the Registrar may, of his own motion or on the application of the Committee or liquidator or of any creditor or contributory, examine into the conduct of such person or officer and make an order requiring him to repay or restore the money or property or any part thereof with interest at such rate as the Registrar thinks just or to contribute such sum to the assets of the society by way of compensation in respect of the misappropriation, fraudulent retainer or breach of trust as the Registrar thinks just.

(2) The order of the Registrar under sub-section (1) shall be final unless it is set aside by the District Court having jurisdiction over the area in which the headquarters of the society are situated, on application made by the party aggrieved within three months of the date of the receipt of the order by him.

(3) Any sum ordered under this Section to be repaid to a society or recovered as a contribution to its assets may be recovered on a requisition being made in this behalf to the Division Peishkar by the Registrar in the same manner as arrears of land revenue.

(4) This Section shall apply notwithstanding that such person or officer may have incurred criminal liability by his act.

55. Where the Registrar is satisfied on the application of the liquidator when acting under Section 56 that any person with intent to defeat or when the execution of any order that may be passed against him under clause (*c*) of sub-section (3) of Section 51 or Section 54.

Attachment of property.

(*a*) is about to dispose of the whole or any part of his property, or

(*b*) is about to cancel or remove the whole or any part of his property, the Registrar may, unless adequate security is furnished, direct the conditional attachment of the said property or such part thereof as he thinks necessary. Such attachment shall be treated as an attachment or distraint as the case may be, effected by the Tahsildar of the place where the property attached is situated under the provisions of the Revenue Recovery Regulation, I of 1068, and all the remedies available to aggrived persons under the provisions of the said Regulation in respect of any attachment or distraint effected by the Tahsildar shall also be available.

ARBITRATION.

56. (1) If any dispute touching the business of a registered society (other than a dispute regarding disciplinary action taken by the Society or its Committee against a paid servant of the Society) arises :—

Disputes.

(*a*) among members, past members and persons claiming through members, past members and deceased members, or

(*b*) between a member, past member or person claiming through a member, past member or deceased member and the society, its Committee or any officer agent or servant past or present of the society, or

(*c*) between the society or its Committee and any officer, agent or servant past or present of the society, or

(*d*) between the society and any other registered society,

such dispute shall be referred to the Registrar for decision.

Explanation. A claim by a registered Society for any debt or demand due to it from a member past member or the nominee, heir or legal represenative of a deceased member, whether such debt or demand be admitted or not, is a dispute touching the business of the Society within the meaning of this sub-section.

(2) The Registrar may, on receipt of such reference,

(*a*) decide the dispute himself, or

(*b*) transfer it for disposal to any person who has been invested by Our Government with powers in that behalf; or

(*c*) subject to such rules as may be prescribed, refer it for disposal to an arbitrator or arbitrators :

Provided that if any party to the dispute applies for action being taken under clause (*c*), the Registrar shall act accordingly.

(3) Subject to such rules as may be prescribed, the Registrar may withdraw any reference transferred under Clause (*b*) of sub-section (2) or referred under clause (*c*) of that sub-section and deal with it in the manner provided in the said sub-section.

(4) The Registrar, may, of his motion or on the application of a party to a reference, revise any decision thereon by the person to whom such reference was transferred or by the arbitrator or arbitrators to whom it was referred :

Provided that where the decision sought to be revised is a decision made by arbitrator or arbitrators appointed in pursuance of the provisions of the proviso to sub-section (2) the Registrar shall not modify the decision but may, if he thinks it necessary or desirable, refer the dispute again as under clause (c) of sub-section (2).

Finality of order.

57. (1) Any decision passed by the Registrar under clause (a) of sub-section (2) of Section 56 or under sub-section (4) of the same Section shall be final and shall not be called in question in any civil court.

"Provided that it shall be competent to Our Government, subject to such rules, if any, as may be prescribed, to revise any decision passed by the Registrar under clause (a) of sub-section (2) of Section 56".

(2) Any decision that may be passed by the person to whom a reference is transferred or by the arbitrator or arbitrators to whom it is referred under sub-section (2) of Section 56 shall save as otherwise provided in sub-section (4) of the same Section, be final and shall not be called in question in any civil court.

Power to enforce attendance.

58. Wherever in this Regulation it is provided that the Registrar or person duly authorised by general or special order in writing by the Registrar in this behalf shall hold an inquiry under Section 43 or shall wind up a society or shall arbitrate, the Registrar, or person authorised, as the case may be, shall subject to such rules as may be passed by Our Government for the payment of batta to the witnesses, have the power to summon and enforce the attendance at the headquarters of the society concerned of witnesses including the parties interested or any of them and to compel them to give evidence, and to compel the production of documents by the same means and as far as possible in the same manner as is provided in the case of a civil court by the Code of Civil Procedure, 1100.

Money how recovered.

59. Every order passed by the liquidator under Section 51, or by the Registrar or his nominee or arbitrators on disputes referred to him or them under Section 51 or under Section or by Our Government under the proviso to Section 57, sub Section (1), 56 shall, if not carried out be executed—

(a) on a certificate signed by the Registrar or a liquidator by any civil court having local jurisdiction in the same manner as a decree of such court; or

(b) according to the law for the time being in force for the recovery of arrears of land revenue, provided that any application for the recovery in such manner of any such sum shall be made to the Division Peishkar and shall be accompanied by a certificate signed by the Registrar or by any one to whom the said power has been delegated by the Registrar.

OFFENCES AND PENALTIES.

Offences.

60. It shall be an offence under this Regulation if—

(a) a registered society or an officer or member thereof, in contravention of the provisons of this Regulation wilfully makes a false return or furnishes false information or willfully neglects or omits to call a general meeting or special meeting of the Society, or

(*b*) any person wilfully or without any reasonable excuse disobeys any summons, requisition or lawful written order issued under the provisions of this Regulation or does not furnish any information lawfully required from him by a person authorised in this behalf under the provisions of this Regulation.

Punishment for disposing of property in contravention of Section 24.

61. Any member or past member or the nominee, heir or legal representative of a deceased member who fraudulently disposes of any property in respect of which the Society is entitled to claim priority under Section 24, or fraudulently does any other act to the prejudice of such claim shall be punishable with fine not exceeding two hundred rupees.

Prohibition of the use of the word 'Co-operative.

62. (1) No person other than a registered society shall trade or carry on business under any name or title of which the word Co-operative's part without the sanction of Government:

Provided that nothing in the Section shall apply to the use by any person or his successor in interest of any name or title under which he traded or carried on business at the date on which the Co-operative Societies Regulation (X of 1089) came into operation.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to fifty rupees and in the case of a continuing offence, with further fine of five rupees for each day on which the offence is continued after conviction therefor.

Punishment for offences not otherwise provided for.

63. Any registered society or any officer or member thereof or any other person guilty of an offence under this Regulation for which no punishment is expressly provided herein shall be punishable with fine not exceeding fifty rupees.

Cognizance of offences

64. (1) No court inferior to that of a Magistrate of the First Class shall try any offence under this Regulation.

(2) Every offence under this Regulation shall, for the purposes of the Code of Criminal Procedure, be deemed to be non-cognizable.

(3) No prosecution shall be instituted under this Regulation without the previous sanction of the Registrar. Such sanction shall not be given without giving the party concerned an opportunity to be heard.

MISCELLANEOUS.

Power of Government and Registrar to call for proceedings of subordinate officers and to pass orders thereon.

65. Our Government or the Registrar may call for and examine the record of any enquiry or the proceedings of any officer subordinate to them or him for the purpose of satisfying themselves or himself as to the legality or propriety of any decision or order passed and as to the regularity of the proceedings of such officer. If in any case it shall appear to Our Government or the Registrar that any decision or order or proceedings so called for should be modified, annulled, or reversed, Our Government or the Registrar, as the case may be, may pass such order thereon as to them or him may seem fit. The revising authority may also pass any interim order or such conditions or otherwise as it deems fit.

66. All sums due from a registered society or from an officer, former officer, member or past or deceased member of a registered society as such to Our Government including any costs awarded to Our Government in any proceeding under this Regulation may be recovered in the same manner as arrears of land revenue.

Recovery of sums due to Government

67. Notwithstanding anything contained in this Regulation Our Government may, by special order in each case and subject to such conditions, if any, as they may impose, exempt any society from any of the requirements of this Regulation as to registration.

Power to exempt societies from conditions as to registration

68. Our Government may, by general or special order, exempt any registered society from any of the provisions of this Regulation or may direct that such provisions shall apply to such society with such modifications as may be specified in the order.

Power to exempt registered societies from provisions of the Regulation.

Regulation I of 1092 not to apply.

69. The provisions of the Travancore Companies Regulation, 1092 shall not apply to registered societies.

70. (1) Every society now existing which has been registered under the Co-operative Societies Regulation (X of 1089 shall be deemed to be registered under this Regulation and its bye-laws shall, so far as the same are not inconsistent with the express provisions of this Regulation, continue in force until altered or rescinded.

Application to the saving of existing societies.

(2) All appointments, rules and orders made, notifications and notices issued and suits and other proceedings instituted under the said Regulation shall, so far as may be, be deemed to have been respectively made, issued and instituted under this Regulation.

71. No act of a registered society or any committee or of any officer of the society, shall be deemed to be invalid by reason only of some defect in the organisation of the society or in the formation of the general body or in the appointment or election of the officer or on the ground that he was disqualified for his office.

Acts of societies etc. not to be invalidated by certain defects.

72. All references to the Co-operative Societies Regulation (X of 1089) occurring in any enactment for the time being in force shall be construed as references to this Regulation.

Construction of references to Co-operative Societies Regulation X of 1089 in enactments.

73. Where under this Regulation or any rule made thereunder any sum due to a registered society from any person is recoverable arrears of land revenue and the immovable property of such person is brought to sale under the provisions of the Revenue Recovery Regulation (Regulation I of 1068) and the society is the purchaser at such sale, the provisions of section 32 of the said Regulation shall apply thereto as if the fourth and fifth clauses thereof the following clauses were substituted, namely:—

Recovery of sums due to registered society.

Fourth—The sum due to the purchaser may be set off in whole or in past for which he purchased the money and the remainder if any of the purchase money shall be paid to the officer conducting the sale within thirty days of the date of the sale.

Fifth.—Where the purchaser refuses or omits to complete the payment of the remainder if any of the purchase money the property shall be resold at the expense and hazard of such purchaser and the amount of all loss or expense which may attend such refusal or omission shall be recoverable from such purchaser in the same manner as arrears of land revenue. Where the property on the second sale, sells for a higher price than at the first sale the difference or increase shall be the property of him on whose account the first sale was made.

74. (1) Our Government may, for the whole or any part of Travancore and for any registered society or class of such societies, make rules to carry out all or any of the purposes of this Regulation.

Rules.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may,

(a) subject to the provisions of Section 6 prescribe the maximum number of shares or portion of the capital of a society which may be held by a member;

(b) prescribe the forms to be used and the conditions to be complied with in the making of applications for the registration of a society and the procedure in the matter of such applications;

(c) subject to the provisions of Section 5 prescribe the procedure to be followed when societies change their form of liability;

(d) prescribe the matters in respect of which a society may or shall make bye-laws and for the procedure to be followed in making, altering and abrogating bye-laws, and the conditions to be satisfied prior to such making alteration or abrogation;

(e) prescribe the conditions to be complied with by persons applying for admission or admitted as members, and provide for the election and admission of members, and the payment to be made and the interests to be acquired before the exercise of the right of membership;

(f) regulate the manner in which funds may be raised by means of shares of debentures or otherwise;

(g) provide for general meetings of the members and for the procedure at such meetings and the powers to be exercised by such meetings;

(h) provide for the appointment, suspension and removal of the members of the Committee and other officers and for the procedure at meetings of the Committee and for the powers to be exercised and the duties to be performed by the Committee and officers;

(i) prohibit a society from appointing a defaulting member of any society to its Committee or to the Committee of any other society and allowing him to exercise his rights of membership in the society or to represent it in another society and vote;

(j) prescribe the accounts and books to be kept by a society and provide for the audit of such accounts and the charges, if any, to be made for such audit, and for the periodical publication of a balance sheet showing the assets and liabilities of a society;

(k) prescribe the returns to be submitted by a society to the Registrar and provide for the persons by whom and the form in which such returns shall be submitted and in case of failure to submit any such return for the levy of the expenses of preparing it;

(l) provide for the persons by whom and the form in which copies of entries in books of societies may be certified and for the charges to be levied for the supply of such copies;

(*m*) provide for the formation and maintenance of a register of members and where the liability of the members is limited by shares, of a register of shares ;

(*n*) provide for :—

(i) the appointment of an arbitrator or arbitrators to decide disputes;

(ii) the procedure to be followed in proceedings before the Registrar, arbitrator or arbitrators or other person deciding disputes including the appointment of a guardian for a party to the dispute who is a minor or who, by reason of unsoundness of mind or mental infirmity, is incapable of protecting his interests ;

(iii) the levy of expenses incidental to such proceedings ; and

(iv) the enforcement of the decisions or awards in such proceedings;

(*o*) provide for the withdrawal and expulsion of members and for the payments, if any, to be made to members who withdraw or are expelled and for the liabilities of past members or the estates of deceased members ;

(*p*) prescribe the prohibitions and restrictions subject to which societies may trade with persons who are not members ;

(*q*) provide for the mode in which the value of a deceased member's interest shall be ascertained, and for the nomination of a person to whom such interest may be paid or transferred ;

(*r*) prescribe the payments to be made and the conditions to be complied with by members applying for loans, the period for which loans may be made and the amount which may be lent, to an individual member ;

(*s*) provide for the formation and maintenace of reserve funds, and the objects to which such funds may be applied, and for the investment of any funds under the control of a society ;

(*t*) prescribe the extent to which a society may limit the number of its members ;

(*u*) prescribe the conditions under which profits may be distributed to the members of a society with unlimited liability and the maximum rate of dividend which may be paid by societies ;

(*v*) prescribe the procedure to be followed by a liquidator appointed under Section 51 and provide for the disposal of the surplus assets, if any, of the society ;

(*w*) determine the cases in which an appeal shall lie from the orders of the Registrar, and prescribe the procedure to be followed in presenting and disposing of appeals under this Regulation ;

(*x*) prescribe the period for which and the terms under which aid may be given by Our Government to societies and the terms under which Our Government may guarantee the payment of interest on debentures issued by societies ;

(*y*) provide for the custody of property attached under this Regulation;

(*z*) provide for the issue and service of processes and for proof of service thereof ;

(*aa*) provide for the inspection of documents in the Registrar's office and the levy of fees for granting certified copies of the same :

(*bb*) provide for the investigation of claims and objections that may be preferred against any attachment effected by the Registrar or an officer empowered by him ;

(*cc*) provide for the recovery of costs awarded against Our Government in cases under Section 51 ;

(*dd*) prescribe the procedure for the attachment and sale of property under Section 31 ; and

(*ee*) provide for all matters expressly required or allowed by this Regulation to be prescribed by Rules.

(3) The power to make rules conferred by this Section is subject to the condition of the rules being made after previous publication.

(4) All rules made under this Section shall be published in Our Government Gazette and on such publication shall have effect as if enacted in this Regulation.

Repeal. 75. The Co-operative Societies Regulation (X of 1089) is hereby repealed.

Annexure I.

THE TRAVANCORE TRADE UNIONS BILL.

(As passed by the Sri Mulam Assembly.)

A REGULATION TO PROVIDE FOR THE REGISTRATION OF TRADE UNIONS AND IN CERTAIN RESPECTS TO DEFINE THE LAW RELATING TO TRADE UNIONS IN TRAVANCORE.

Whereas it is expedient to provide for the registration of Trade Unions and in certain respects to define the law relating to Trade Unions in Travancore;

It is hereby enacted as follows :—

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (1) This Regulation may be called the Travancore Trade Unions Regulation.

(2) It extends to the whole of Travancore.

(3) It shall come into force on such date as Our Government may, by notification in Our Government Gazette, appoint.

Definitions.

2. In this Regulation unless there is anything repugnant in the subject or context.—

(*a*) "executive" means the body by whatever name called, to which the management of the affairs of a Trade Union is entrusted;

(*b*) "officer" in the case of a Trade Union, includes any member of the executive thereof, but does not include an auditor;

(*c*) "prescribed" means prescribed by Rules made under this Regulation;

(*d*) "registered office" means that office of a Trade Union which is registered under this Regulation as the head office thereof;

(*e*) "Registered Trade Union" means a Trade Union registered under this Regulation;

(*f*) "Registrar" means a Registrar of Trade Unions appointed by Our Government under Section 3 and the "Registrar", in relation to any Trade Union, means the Registrar appointed for the place in which the head or registered office, as the case may be, of the Trade Union is situated;

(*g*) "Trade dispute" means any dispute between employers and workmen or between workmen and workmen, or between employers and employers which is connected with the employment or non-employment, or the terms of employment or the conditions of labour of any person, and "workmen", means all persons employed in trade or industry whether or not in the employment of the employer with whom the trade dispute arises; and

(*h*) "Trade Union" means any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers, or between workmen and workmen or between employers and employers, or for imposing restrictive conditions on the conduct of any trade or business, and includes any federation of two or more Trade Unions:

Provided that this Regulation shall not affect—

(i) any agreement between partners as to their own business;

(ii) any agreement between an employer and those employed by him as to such employment; or

(iii) any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade or handicraft.

CHAPTER II.

Registration of Trade Unions.

Appointment of Registrars.

3. Our Government may appoint any person to be the Registrar of Trade Unions for the whole State or for any particular portions of the State.

Mode of registration.

4. Any seven or more members of a Trade Union may, by subscribing their names to the rules of the Trade Union and by otherwise complying with the provisions of this Regulation with respect to the registration, apply for registration of the Trade Union under this Regulation.

Application for registration.

5. (1) Every application for registration of a Trade Union shall be made to the Registrar and shall be accompanied by a copy of the rules of the Trade Union and a statement of the following particulars namely :—

(a) the names, occupations and addresses of the members making the application ;

(b) the name of the Trade Union and the address of its head office; and

(c) the titles, names, ages, addresses and occupations of the officers of the Trade Union.

(2) Where a Trade Union has been in existence for more than one year before the making of an application for its registration, there shall be delivered to the Registrar, together with the application, a general statement of the assets and liabilities of the Trade Union prepared in such form and containing such particulars as may be prescribed.

Provisions to be contained in the rules of a Trade Union.

6. A Trade Union shall not be entitled to registration under this Regulation, unless the executive thereof is constituted in accordance with the provisions of this Regulation, and the rules thereof provide for the following matters, namely :—

(a) the name of the Trade Union ;

(b) the whole of the objects for which the Trade Union has been established ;

(c) the whole of the purposes for which the general funds of the Trade Union shall be applicable, all of which purposes shall be purposes to which such funds are lawfully applicable under this Regulation ;

(d) the maintenance of a list of the members of the Trade Union and adequate facilities for the inspection thereof by the officers and members of the Trade Union ;

(e) the admission of ordinary members who shall be persons actually engaged or employed in *any trade or industry* with which the Trade Union is connected and also the admission of the number of honorary or temporary members as officers required under Section 21 to form the executive of the Trade Union ;

(f) the conditions under which any member shall be entitled to any benefit assured by the rules and under which any fine or forfeiture may be imposed on the members ;

(*g*) the manner in which the rules shall be amended, varied or rescinded;

(*h*) the manner in which the members of the executive and the other officers of the Trade Union shall be appointed and removed;

(*i*) the safe custody of the funds of the Trade Union, an annual audit, in such manner as may be prescribed, of the accounts thereof, and adequate facilities for the inspection of the account books by the officers and members of the Trade Union; and

(*j*) the manner in which the Trade Union may be dissolved.

Power to call for further particulars and to require alteration of name.

7. (1) The Registrar may call for further information for the purpose of satisfying himself that any application complies with the provisions of Section 5 or that the Trade Union is entitled to registration under Section 6 and may refuse to register the Trade Union until such information is supplied.

(2) If the name under which a Trade Union is proposed to be registered is identical with that by which any other existing Trade Union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either Trad Union, the Registrar shall require the persons applying for registration to alter the name of the Trade Union stated in the application, and shall refuse to register the Union until such alteration has been made.

Registration

8. The Registrar, on being satisfied that the Trade Union has complied with all the requirements of this Regulation in regard to registration, shall register the Trade Union by entering in a register, to be maintained in such form as may be prescribed, the particulars relating to the Trade Union contained in the statement accompanying the application for registration.

Certificate of registration.

9. The Registrar on registering a Trade Union under Section 8, shall issue a certificate of registration in the prescribed form which shall be conclusive evidence that the Trade Union has been duly registered under this Regulation.

Cancellation of registration

10. A certificate of registration of a Trade Union may be withdrawn or cancelled by the Registrar—

(*a*) on the application of the Trade Union, to be verified in such manner as may be prescribed; or

(*b*) if the Registrar is satisfied that the certificate has been obtained by fraud or mistake, or that the Trade Union has ceased to exist or has wilfully and after notice from the Registrar contravened any provision of this Regulation or allowed any rule to continue in force, which is inconsistent with any such provision, or has rescinded any rule providing for any matter provision for which is required by Section 6:

Provided that not less than two months previous notice in writing specifying the ground on which it is proposed to withdraw or cancel the certificate shall be given by the Registrar to the Trade Union before the certificate is withdrawn or cancelled otherwise than on the application of the Trade Union.

Appeal.

11. (1) Any person aggrieved by any refusal of the Registrar to register a Trade Union or by the withdrawal or cancellation of a certificate of registration may, within such period as may be prescribed, appeal to the High Court.

(2) The High Court may dismiss the appeal, or pass an order directing the Registrar to register the Union and to issue a certificate of registration under the provisions of Section 9 or setting aside the order for withdrawal or cancellation of the certificate, as the case may be, and the Registrar shall comply with such order.

(3) For the purpose of an appeal under sub-section (1), the High Court shall, so far as may be, follow the same procedure and have the same powers as it follows and has when hearing an appeal under the Code of Civil Procedure, 1100, and may direct by whom the whole or any part of the costs of the appeal shall be paid, and such costs shall be recoverable by any Civil Court directed by the High Court as if they were payable under a decree of such Civil Court.

Registered office.

12. All communications and notices to a registered Trade Union may be addressed to the registered office. Notice of any change in the address of the head office shall be given within fourteen days of such change to the Registrar in writing, and the changed address shall be recorded in the register referred to in Section 8.

Incorporation of registered Trade Unions

13. Every registered Trade Union shall be a body corporate by the name under which it is registered and shall have perpetual succession and a common seal with power to acquire and hold both movable and immovable property and to contract, and shall by the said name sue and be sued.

Certain Regulations not to apply to registered Unions.

14. (1) The following Regulations, namely :—

(a) The Travancore Co-operative Societies Regulation.

(b) The Travancore Provident Insurance Societies Regulation of 1108 and

(c) The Travancore Companies Regulation, 1092,

shall not apply to any registered Trade Union, and the registration of any such Trade Union under any such Regulation shall be void ;

(2) No Trade Union shall be formed or shall function unless it is registered under the provisions of this Regulation :

Provided that in the case of Trade Unions existing on the date of the commencement of this Regulation, such Trade Unions may function for a period of three months from such date.

CHAPTER III.

Rights and liabilities of registered Trade Unions.

Objects on which general funds may be spent.

15. The general funds of a registered Trade Union shall not be spent on any other object than the following, namely :—

(a) the payment of salaries, allowances and expenses to officers of the Trade Union ;

(b) the payment of expenses for the administration of the Trade Union including audit of the accounts of the general funds of the Trade Union ;

(c) the prosecution or defence of any legal proceeding to which the Trade Union or, any member thereof is a party, when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the Trade Union as such or any rights arising out of the relations of any member with his employer or with a person whom the member employs ;

(d) the conduct of trade disputes on behalf of the Trade Union or any member thereof ;

(e) the compensation of members for loss arising out of trade disputes;

(f) allowances to members or their dependants on account of death, old age, sickness, accidents or unemployment of such members ;

(g) the issue of, or the undertaking of liability under policies of assurance on the lives of members, or under policies insuring members against sickness, accident or unemployment ;

(h) the provisions of educational, social or religious benefits for members (including the payment of the expenses of funeral or religious ceremonies for deceased members or for the dependants of members ;

(i) the upkeep of a periodical published mainly for the purpose of discussing questions affecting employers or workmen as such ;

(j) the payment in furtherance of any of the objects on which the general funds of the Trade Union may be spent, of contributions to any cause intended to benefit workmen in general, provided that the expenditure in respect of such contributions in any financial year shall not any time during that year be in excess of one-fourth of the combined total of the gross income which has up to that time accrued to the general funds of the Trade Union during that year and of the balance at the credit of these funds at the commencement of that year ; and

(k) subject to any conditions contained in the notification, any other object notified by Our Government in Our Government Gazette.

Constitution of a separate fund for political purposes.

16. (1) A registered Trade Union may constitute a separate fund, from contributions separately levied for or made, to that fund, from which payments may be made, for the promotion of the civic and political interests of its members, in furtherance of any of the objects specified in sub-section (2).

(2) The objects referred to in sub-section (1) are:—

(a) the payment of any expenses incurred, either directly or indirectly, by a candidate or prospective candidate for election as a member of any chamber of the Travancore Legislature or of any local authority, before, during or after the election in connection with his candidature or election ; or

(b) the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate ; or

(c) the maintenance of any person who is a member of any chamber of the Travancore Legislature or of any local authority ; or

(d) the registration of electors or the selection of a candidate for any chamber of the Travancore Legislature or for any local authority.

(3) No member shall be compelled to contribute to the fund constituted under sub-section (1) ; and a member who does not contribute to the said fund shall not be excluded from any benefits of the Trade Union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the Trade Union (except in relation to the control or management of the said fund) by reason of his not contributing to the said fund ; and contribution to the said fund shall not be made a condition for admission to the Trade Union.

Immunity from civil suit in certain cases.

17. (1) No suit or other legal proceeding shall be maintainable in any Civil Court against any registered Trade Union or any officer or member thereof in respect of any act done in contemplation or furtherance of a trade dispute to which a member of the Trade Union is a party on the ground only that such act induces some other person

to break a contract of employment, or that it is in interference with the trade, business or employment of some other person or with the right of some other person to dispose of his capital or of his labour as he wills.

(2) A registered Trade Union shall not be liable in any suit or other legal proceeding in any Civil Court in respect of any tortious act done in contemplation or furtherance of a trade dispute by an agent of the Trade Union if it is proved that such person acted without the knowledge of or contrary to express instructions given by, the executive of the Trade Union.

18. Notwithstanding anything contained in any other law for the time being in force, an agreement between the members of a registered Trade Union shall not be void or voidable merely by reason of the fact that any of the objects of the agreement are in restraint of trade :

Enforceability of agreements

Provided that nothing in this Section shall enable any Civil Court to entertain any legal proceeding instituted for the express purpose of enforcing or recovering damages for the breach of any agreement concerning the conditions on which any members of a Trade Union shall or shall not sell their goods, transact business, work, employ or be employed.

19. The account books of a registered Union and the list of members thereof shall be open to inspection by an officer or member of the Trade Union at such times as may be provided for in the rules of the Trade Union.

Right to inspect books of Trade Union.

20. Any person who has attained the age of fifteen years may be a member of a registered Trade Union subject to any rules of the Trade Union to the contrary, and may subject as aforesaid enjoy all the rights of a member and execute all instruments and give all acquittances necessary to be executed or given under the rules :

Rights of minors to membership of Trade Union.

Provided that no person who has not attained the age of eighteen years shall be an officer of any such Trade Union.

21. Not less than three-fourths of the total number of the officers of every registered Trade Union shall be persons actually engaged or employed in any trade or business with which the Trade Union is connected :

Proportion of officers to be connected with the industry.

Provided that Our Government may, by special or general order, declare that the provisions of this Section shall not apply to any Trade Union or class of Trade Unions specified in the order.

22. Any registered Trade Union may, with the consent of not less than two thirds of the total number of its members and subject to the provisions of Section 24 change its name.

Change of name.

23. Any two or more registered Trade Unions may become amalgamated together as one Trade Union with or without dissolution or division of funds of such Trade Unions or either or any of them, provided that the votes of at least one half of the members of each or every such Trade Union entitled to vote are recorded, and that at least sixty per cent. of the votes recorded are in favour of the proposal.

Amalgamation of Trade Union

24 (1) Notice in writing of every change of name and of every amalgamation signed, in the case of a change of name, by the Secretary and by seven members of the Trade Union changing its name and, in the case of an amalgamation, by the Secretary and by seven members of each and every Trade Union which is party thereto, shall be sent to the Registrar, and where the head office of the amalgamated Trade Union is situated in a place for which there is a different Registrar to the Registrar of that place.

Notice of change of name or amalgamation.

(2) If the proposed name is identical with that by which any other existing Trade Union has been registered or, in the opinion of the Registrar so nearly resembles such name as to be likely to deceive the public or the members of either Trade Union, the Registrar shall refuse to register the change of name.

(3) Save as provided in sub-section (2), the Registrar shall, if he is satisfied that the provisions of this Regulation in respect of change of name have been complied with, register the change of name in the register referred to in Section 8, and the change of name shall have effect from the date of such registration.

(4) The Registrar of the place in which the head office of the amalgamated Trade Union is situated shall, if he is satisfied that the provisions of the Regulation in respect of amalgamation have been complied with and that the Trade Union formed thereby is entitled to registration under Section 6, register the Trade Union in the manner provided in Section 8, and the amalgamation shall have effect from the date of registration.

25. (1) The change in the name of registered Trade Union shall not affect any rights or obligations of the Trade Union or render defective any legal proceeding by or against the Trade Union and any legal proceeding which might have been continued or commenced by or against by its former name may be continued or commenced by or against it by its new name.

Effects of change of name and of amalgamation.

(2) An amalgamation of two or more registered Trade Unions shall not prejudice any right of such Trade Unions or any right of a creditor of any of them.

26. (1) When a registered Trade Union is dissolved, notice of the dissolution signed by seven members and by the Secretary of the Trade Union shall, within fourteen days of the dissolution be sent to the Registrar and shall be registered by him if he is satisfied that the dissolution has been effected in accordance with the rules of the Trade Union, and the dissolution shall have effect from the date of such registration.

Dissolution.

(2) Where the dissolution of a registered Trade Union has been registered and the rules of the Trade Union do not provide for the distribution of funds of the Trade Union on dissolution, the Registrar shall divide the funds amongst the members in such manner as may be prescribed.

27. (1) There shall be sent annually to the Registrar, on or before such date as may be prescribed, a general statement, audited in the prescribed manner, of all receipts and expenditure of every registered Trade Union during the year ending on the last day of Karkatakam next preceding such prescribed date, and of the assets and liabilities of the Trade Union existing on such last day of Karkatakam. The statement shall be prepared in such form and shall comprise such particulars as may be prescribed.

Returns.

(2) Together with the general statement there shall be sent to the Registrar a statement showing all changes of officers made by the Trade Union during the year to which the general statement refers, together also with a copy of the rules of the Trade Union corrected up to the date of the despatch thereof to the Registrar.

(3) A copy of every alteration made in the rules of a registered Trade Union shall be sent to the Registrar within fifteen days of the making of the alteration.

CHAPTFR IV.

Rules.

28. (1) Our Government may make rules for the purpose of carrying into effect the provisions of this Regulation ;

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the manner in which Trade Unions and the rules of Trade Unions shall be registered and the fees payable on registration ;

(b) the transfer of registration in the case of any registered Trade Union which has changed its head office from one place to another ;

(c) the manner in which, and the qualifications of persons by whom the accounts of registered Trade Unions or of any class of such Unions shall be audited ;

(d) the conditions subject to which inspection of documents kept by the Registrar shall be allowed and the fees which shall be chargeable in respect of such inspections ;

(e) the powers, duties and functions of the Registrar or Registrars and the relationship between the various Registrars when there are more than one Registrar ; and

(f) any matter which is to be or may be proscribed.

29. (1) The power to make rules conferred by Section 28 is subject to the condition of the rules being made after previous publication

Publication of rules.

(2) The date to be specified in accordance with clause (c) of Section 6 of the Travancore General Clauses Regulation of 1072, as that at or after which a draft of rules proposed to be made will be taken into consideration shall not be less than three months from the date on which the draft of the proposed rules was published.

(3) Rules so made shall be published in Our Government Gazette and on such publication shall have effect as if enacted in this Regulation.

CHAPTER V.

Penalties and Procedure.

30. (1) Whoever forms any Trade Union in contravention of the provisions of Section 14, sub-section (2), or takes any part in the functions of any Trade Union so formed knowing or having reason to believe that it has been so formed shall for every such act be punishable with fine which may extend to five hundred rupees.

Penalties.

(2) If default is made on the part of any registered Trade Union in giving any notice or sending any statement or other document as required by or under any provision of this Regulation, every officer or other person bound

by the rules of the Trade Union to give or send the same, or, if there is no such officer or person, every member of the executive of the Trade Union, shall be punishable with fine which may extend to five rupees, and in the case of continuing default, with an additional fine which may extend to five rupees for each week after the first during which the default continues:

Provided that the aggregate fine shall not exceed fifty rupees.

(3) Any person who wilfully makes or causes to be made, any false entry in, or any omission from the general statement required by Section 27 or in or from any copy of rules or of alterations of rules sent to the Registrar under that Section, shall be punishable with fine which may extend to five hundred rupees.

Supplying false information regarding Trade Unions.

31. Any person who, with intent to deceive, gives to any member of a registered Trade Union or to any person intending or applying to become a member of such Trade Union any document purporting to be a copy of the rules of the Trade Union or of any alterations to the same which he knows, or has reason to believe is not a correct copy of such rules or alterations as or for the time being in force, or any person who, with the like intent, gives a copy of any rules of an unregistered Trade Union to any person on the pretence that such rules are the rules of a registered Trade Union, shall be punishable with fine which may extend to two hundred rupees.

Cognisance of offences.

32. (1) No court inferior to that of a Magistrate of the First Class shall try any offence under this Regulation.

(2) No court shall take cognisance of any offence under this Regulation, unless complaint thereof has been made by, or with the previous sanction of, the Registrar, or, in the case of an offence under Section 31, by the person to whom the copy was given, within six months of the date on which the offence is alleged to have been committed.

Annexure II.

REPORT OF THE SELECT COMMITTEE ON THE TRAVANCORE LIFE ASSURANCE COMPANIES BILL.

To

The President,
Sri Mulam Assembly.

Sir,

We, the undersigned members of the Select Committee appointed to consider The Travancore Life Assurance Companies Bill, have considered the bill and beg now to submit this, our

REPORT.

1. *Clause 1, Sub-clause (1)*: Omit the expression "of 110" at the end.

2. *Clause 3, Line 3*: Substitute the word "hereinafter" for the word "hereafter."

3. *Clause 4*: Insert the following as Sub-Clause (5) :—

"(5) Notwithstanding anything contained in the foregoing provisions, Our Government may by notification in Our Government Gazette declare that the deposit may be made in such other securities or in such other manner as may be specified in the notification."

4. *Clause 7 (1) (e) (B) (ii)*: For the word "revisionary," substitute the word "reversionary," and after the word "thereto" close the bracket.

5. *Clause 7 (1) (e) (c)*: The numbering of the Sub-Clause (a) and Sub-Clause (b) may be altered into (i) and (ii) respectively.

6. In the Sub-Clause (i) re-numbered as above substitute a comma for the interrogation mark occurring after the word "Travancore" and in the re-numbered Sub-Clause (ii), substitute a semi-colon for the comma occurring at the end.

7. *Clause 34, Line 2*: For the figure "32," substitute "33."

8. *Clause 34 Line 4*: For the figure "38," substitute "39."

9. *Clause 40, Sub-Clause (2)*: Add the following as Clause (d) :—

"(*d*) provide that any portion of the investments of any life assurance company carrying on business within Travancore shall be in such securities as may be notified by Our Government in that behalf in Our Government Gazette."

Large premiums are collected by various life assurance companies from the people of Travancore, but it is rarely, if at all, that such companies make investments in Travancore. We think it desirable that Government should be given power to make rules to provide for investments in Travancore. Hence we are proposing the above clause.

10. *The third Schedule, Part (A) third column:* For the words "any Indian Presidency Bank," substitute the words "the Imperial Bank of India and the Reserve Bank of India."

11. *The third Schedule, Part (a), **Note** 1. Line 2:* For the word "India," substitute the word "Travancore."

12. *The third Schedule, Part (B), third Column:* For the words "any Indian Presidency Bank," substitute the words "the Imperial Bank of India and the Reserve Bank of India."

13. *The third Schedule Part (B), Note 1, line 2:* For the word "India," substitute the word "Travancore."

We are submitting herewith a copy of the Bill as revised by us. Some typographical errors and verbal mistakes noticed have been corrected in the copy. The Bill does not require to be re-published. The Bill has been published in the Gazette dated the 15th April 1932.

(Sd.) T. K. Velu Pillai
,, K. C. Karunakaran
,, S. J. Nair
,, T. C. Joseph
,, N. Abdul Rahiman Sahib
,, A. S. Damodaran Asan
,, R. Nilakanta Pillai
,, K. Paramesvaran Pillai.

Annexure III

THE TRAVANCORE LIFE ASSURANCE COMPANIES BILL.

(As revised by the Select Committee).
(Words in Italics indicate the amendments suggested by the Committee.)

A Regulation to provide for the Regulation of Life Assurance Companies.

Whereas it is expedient to provide for the Regulation of Life Assurance Companies; It is hereby enacted as follows:—

Preliminary.

1. (1) This Regulation may be called "The Travancore Life Assurance Companies Regulation."

Short title and extent.

(2) It extends to the whole of Travancore.

2. In this Regulation unless there is anything repugnant in the subject or context:—

Definitions.

(1) "Actuary" means an actuary possessing such qualifications as may be prescribed by rules made by Our Government;

(2) "Chairman" means the person for the time being presiding over the board of directors or other governing body of a life assurance company;

(3) "Court" means the Principal Civil Court of original jurisdiction in a district;

(4) "financial year" means each period of twelve months at the end of which the balance of the accounts of the life assurance company is struck, or, if no such balance is struck, then the calendar year;

(5) "life assurance business" means the issue of, or the undertaking of liability under policies of assurance upon human life, or the granting of annuities upon human life;

(6) "policy of assurance on human life" means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;

(7) "policy holder" means the person who for the time being is the legal holder of the policy for securing the contract with the life assurance company;

(8) where a company grants annuities upon human life, "policy" includes the instrument evidencing the contract to pay such an annuity, and "policy-holder" includes annuitant; and

(9) "Registrar" means any person who may be appointed by Our Government to perform the duties of the Registrar under this Regulation.

3. Save as hereafter expressly provided, this Regulation shall apply to all persons or bodies of persons, whether corporate or unincorporate (which persons and bodies of persons are *hereinafter* referred to as life assurance companies), whether established before or after the commencement of this Regulation and whether established within or without Travancore, who carry on life assurance business within Travancore.

Companies to which Regulation applies.

Explanation.—A company registered under the Travancore Companies Regulation, 1092, which carries on life assurance business in any part of the world shall for the purposes of this Section be deemed to be a company carrying on such business within Travancore.

Exception.—Nothing in this Regulation shall apply to any society to which the Provident Insurance Societies Regulation applies or to any Fund which Our Government may, by notification in Our Government Gazette exempt from the operation of this Regulation.

Deposits.

4. (1) Every life assurance company shall, if established before the commencement of this Regulation, within one year from such commencement, or if established after such commencement, before it commences to carry on the business of life assurance, deposit and keep deposited with the Chief Account Officer for and on behalf of Our Government, Government securities, as defined by the Travancore Government Securities Regulation III of 1099 of the face value of twenty-five thousand rupees or of a face value equal to one-third of the income derived from life assurance business as shown in the revenue account for the last financial year, whichever is greater; and, until the company keeps deposited securities of the face value of two lakhs of rupees, shall annually deposit and keep deposited in like manner like securities of a face value—

Deposits.

(*a*) equal to one-third of the income derived from life assurance business as shown in the revenue account for the last financial year, until the face value of the securities deposited exceeds one lakh of rupees;

(*b*) and thereafter equal in amount to one-third of the increase to the life assurance fund as shown in the revenue account for the last financial year:

Provided that a company may at any time deposit securities of a face value of two lakhs of rupees or make up its deposit of securities to that value.

(2) The interest accruing due on the securities deposited under sub-section (1) shall be paid to the company.

(3) The deposit may be made by the subscribers of the memorandum of association of a company or any of them, in the name of a proposed company and, upon the incorporation of the company, shall be deemed to have been made by, and to be part of the assets of, the company, and the Registrar of Joint Stock Companies shall not issue a

certificate of incorporation of the company under the Travancore Companies Regulation 1092 until the deposit has been made.

(4) The deposit shall be deemed to form part of the life assurance fund of the company.

(5) *notwithstanding anything contained in the foregoing provisions, Our Government may by notification in Our Government Gazette declare that the deposit may be made in such other securities or in such other manner as may be specified in the notification.*

Accounts and Documents.

Separation of funds.

5. In the case of a life assurance company transacting other business besides that of life assurance, a separate account shall be kept of all receipts in respect of the life assurance business, and the said receipts shall be carried to and form a separate fund to be called the life assurance fund

Explanation.—Nothing in this Section shall be deemed to require any life assurance fund to be invested in separate investments from any other fund, but a separate balance-sheet as prescribed under Section 7 shall be kept in respect of the life assurance fund.

Exception.—Nothing in this Section shall apply to a life assurance company established before the commencement of this Regulation by the terms of whose deed of settlement the whole of the profits of all the business carried on by the company are paid exclusively to the life policy-holders, and on the face of whose life policies the liability of the life assurance fund in respect of the other business distinctly appears.

Appropriation of life assurance fund.

6. The life assurance fund shall be as absolutely the security of the life policy holders as though it belonged to a company carrying on no other business than life assurance business and shall not be liable for any contracts of the company for which it should not have been liable had the business of the company been only that of life assurance, and shall not be applied, directly or indirectly, for any purposes other than those of life assurance.

Exception.—Nothing in this Section shall effect the liability of the life assurance fund, in the case of a company established before the commencement of this Regulation, for contracts entered into by the company before such commencement.

Accounts and balance-sheets.

7. (1) Every life assurance company shall, at the expiration of each financial year, prepare,—

(*a*) a revenue account for the year in the form or forms set forth in the First Schedule and applicable to the class or classes of business carried on by the company;

(*b*) a profit and loss account in the form set forth in the Second Schedule, except where the company carries on life assurance business only and no other business;

(*c*) a balance-sheet or balance-sheets in the form or forms set forth in the Third Schedule;

(d) a statement containing the name of every person who during the year was a member of the board of directors or other governing body or was manager or secretary or held any similar office by whatever name called;

(e) a statement showing—

(A) as regards new policies of life assurance in respect of which a premium has been paid in the year of account,—

(i) the number of policies,

(ii) the sums assured,

(iii) the amount received by way of single premiums (including all premiums paid at the outset where no subsequent premium is payable), and

(iv) the amount of yearly renewal premium income;

(B) as regards total life assurance business,—

(i) the number of policies in force at the end of the year of account,

(ii) the sum assured (including reversionary bonus additions thereto) under policies in force at the end of the year of account, and

(iii) the premium income for which credit is taken in the revenue account;

(C) as regards claims, the amount of the claims paid in the year of account under policies effected in Travancore,—

(i) to claimants in Travancore, and

(ii) to claimants outside Travancore;

(f) a statement showing in such forms as Our Government may prescribe, a classified summary of the investments of the company in Travancore in Government securities and in Travancore concerns and the other Travancore assets held by the company.

(2) For the purposes of clause (e) of sub-section (1), all items required to be stated shall be net amounts after deduction of the re insurances of the company's risks, and for the purposes of sub-clauses (A) and (B) of that clause—

(a) the statement shall show separately the numbers and amounts in respect of policies effected in, and policies effected outside Travancore;

(b) where a sum assured is payable periodically, whether by way of an annuity or otherwise, it shall be stated separately from lump sum payments; and

(c) policies of assurance upon the lives of a group of persons whereby sums assured are payable in respect of several persons included in the group shall be excluded from the statement and be shown in a separate statement containing the like particulars—

Actuarial reports and abstracts.

8. (1) Every life assurance comany shall once in every five years, or at such shorter intervals as may be prescribed by the instrument constituting the company, or by its regulations or bye-laws, cause an investigation to be made into its financial condition, including a valuation of its liabilities, by an actuary and shall cause an abstract of the report of such actuary to be made in the form set in the Fourth Schedule.

(2) The provision of sub-section (1) regarding the making of an abstract shall also apply whenever at any other time an investigation into the financial condition of a life assurance company is made with a view to the distribution of profits, or whenever the results of any such investigation are made public.

Actuarial abstract in case of mutual company.

9. In the case of a mutual life assurance company whose profits are allocated to members wholly or mainly by annual abatements of premium, the abstract of the report of the actuary on the financial condition of the company prepared in accordance with the Fourth Schedule, may, notwithstanding anything in Section 8, be made and returned at intervals not exceeding five years: Provided that, where such return is not made annually, it shall inlcude particulars as to the rates of abatement of premiums applicable to different classes or series of assurances allowed in each year during the period which has elapsed since the previous return under the Fourth Schedule.

Statement of life assurance business.

10. Every life assurance company shall, within three years from the commencement of this Regulation and thereafter, at the date to which the accounts of the company are made up for the purposes of the investigation prescribed by Section 8, prepare a statement of its assurance business in the form set forth in the Fifth Schedule; Provided that, if the investigation is made annually by any company, the company may prepare such a statement at any time, so that it may be made at least once in every five years.

Deposit of accounts, etc., with Our Government.

11. (1) Every account, balance-sheet, abstract or statement hereinbefore required to be made shall be printed, and four copies thereof, one of which shall be signed by the Chairman and two directors of the company, and by the principal officer of the company, and if the company has a managing director, by the managing director, shall be deposited with Our Government within six months in the case of accounts and balance-sheets required by Section 7, and within one year in other cases after the close of the period to which the account, balance-sheet, abstract or statement relates: Provided that, if in any case it is made to appear to Our Government that the circumstances are such that a longer period should be allowed, they may extend that period by such period as they may think fit.

(2) Our Government shall consider any document deposited in accordance with the provisions of sub-section (1) and, if any such document appears to Our Government to be inaccurate or defective in any respect, Our Government may call upon the company to furnish a further statement correcting any such inaccuracies or supplying any such deficiencies.

Deposit of report.

12. There shall be deposited with every revenue account and balance-sheet of a life assurance company every report on the affairs of the company submitted to the share-holders or policy-holders of the company in respect of the financial year to which the account and balance-sheet relate.

13. Where a life assurance company registered under the Travancore Companies Regulation, 1092 in any year deposits its accounts and balance-sheet in accordance with the provisions of Section 11, the company may, at the same time, send to the Registrar of Joint Stock Companies a copy of such accounts and balance-sheet, and where such copy is so sent, it shall not be necessary for the company to file a balance-sheet with the Registrar of Joint Stock Companies as required by Section 138 of the Travancore Companies Regulation, 1092, and the copy of the accounts and balance-sheet so sent shall be dealt with in all respects as if it were a balance-sheet filed in accordance with that section.

Exemption from certain provisions of Regulation I of 1092.

14. A printed copy of the accounts, balance-sheet, abstract or statement last deposited shall, on the application of any share-holder or policy-holder of the company, be forwarded to him by the company by post or otherwise.

Right of share-holders etc., to copies of accounts etc.

15. The accounts of every life assurance company shall be audited annually in such manner as Our Government may prescribe.

Audit of accounts.

16. Every life assurance company which is not registered under the Travancore Companies Regulation, 1092, shall keep a list of the names and addresses of its share-holders, and shall, on the application of any share-holder or policy-holder of the company, furnish to him a copy of such list on payment of a sum not exceeding two annas for every hundred words required to be copied.

List of share-holders.

17. Every life assurance company which is not registered under the Travancore Companies Regulation, 1092, shall cause a sufficient number of copies of its deed of settlement or other instrument constituting the company to be printed, and shall, on the application of any share-holder or policy-holder of the company, furnish to him a copy of such deed of settlement or other instrument on payment of a sum not exceeding one rupee.

Deed of settlement.

18. Where any notice, advertisement or other official publication of a life assurance company contains a statement of the amount of the authorised capital of the company, the publication shall also contain a statement of the amount of the capital which has been subscribed and the amount paid up.

Publication of authorised as well as subscribed and paid-up capital.

19. (1) Every life assurance company, constituted outside Travancore which establishes a place of business within Travancore or appoints an agent in Travancore with the object of obtaining life assurance business, shall, within three months from the establishment of the place of business or the appointment of such agent, file with the Registrar :—

Requirements as to companies established outside Travancore.

(*a*) a certified copy of the charter, statutes or memorandum and articles of the company, or other instrument constituting or defining the constitution of the company, and, if the instrument is not written in the English language, a certified translation thereof;

(*b*) a list of the directors of the company;

(*c*) the names and addresses of some one or more persons resident in Travancore authorised to accept on behalf of the company service of process and any notices required to be served on the company;

and, in the event of any alteration being made in any such instrument or in the list of directors or in the names and addresses of such persons as aforesaid, the company shall, within such time as Our Government may prescribe, file with the Registrar a notice of the alteration.

(2) Any process or notice required to be served on the company shall be sufficiently served if addressed to any person whose name has been so filed as aforesaid and left at or sent by post to the address which has been so filed.

(3) There shall be paid to the Registrar for registering any document, required by this section to be filed, a fee of five rupees or such smaller fee as Our Government may prescribe.

Amalgamation or Transfer.

Amalgamation or transfer.

20. (1) Where it is intended to amalgamate two or more life assurance companies, or to transfer the life assurance business of one company to another, the directors of any one or more of such companies may apply to the Court, by petition, to sanction the proposed arrangement.

(2) Before any such application is made to the Court—

(*a*) notice of the intention to make the application shall be published in Our Government Gazette at least two months before the application is made;

(*b*) a statement of the nature of the amalgamation or transfer, as the case may be together with an abstract containing the material facts embodied in the agreement or deed under which the amalgamation or transfer is proposed to be effected, and copies of the actuarial or other reports upon which the agreement or deed is founded, inluding a report by an independent actuary shall, unless the Court otherwise directs, be ransmitted to each policy-holder of each company: and

(*c*) the agreement or deed under which the amalgamation or transfer is effected shall be open for the inspection of the policy-holders and share-holders at the offices of the companies for a period of fifteen days after the last publication of the notice.

(3) The Court, after hearing the directors and other persons whom it considers entitled to be heard upon the petition, may sanction the arrangement if it is satisfied that no sufficient objection to the arrangement has been established.

(4) The Court shall not sanction the amalgamation or transfer in any case in which it appears to the Court that the life-policy-holders

representing one tenth or more of the total amount assured in any company which it is proposed to amalgamate, or in any company the business of which it is proposed to transfer dissent from the amalgamation or transfer.

(5) No life assurance company shall amalgamate with another, or transfer its business to another unless the amalgamation or transfer is sanctioned by the Court in accordance with this section.

Statement in case of amalgamation or transfer.

21. Where an amalgamation takes place between any life assurance companies, or where any life assurance business of one such company is transferred to another company, the combined company or the purchasing company, as the case may be, shall, within one month from the date of the completion of the amalgamation or transfer, deposit with our Government —

(a) certified copies of statements of the assets and liabilities of the companies concerned in such amalgamation or transfer together with a statement of the nature and terms of the amalgamation or transfer ; and

(b) a certified copy of the agreement or deed under which the amalgamation or transfer is effected ; and

(c) certified copies of the actuarial or other reports upon which that agreement or deed is founded ; and

(d) a declaration under the hand of the Chairman of each company, and the principal officer of each company, that to the best of their belief every payment made or to be made to any person whatsoever on account of the amalgamation or transfer is there in fully set forth, and that no other payments beyond those set forth have been made or are to be made either in money, policies, bonds, valuable securities or other property by or with the knowledge of any parties to the amalgamation or transfer.

Winding up.

Special provisions as to winding up of assurance companies.

22. The Court may order the winding up of a life assurance company, in accordance with the Travancore Companies Regulation, 1092 and the provisions of that Regulation shall apply accordingly, subject, however, to the modification that the company may be ordered to be wound up—

(a) on the petition of ten or more policy holders :

Provided that such a petition shall not be presented except by the leave of the Court, and leave shall not be granted until a *prima facie* case has been established to the satisfaction of the Court and until security for costs for such amount as the Court may think reasonable has been given ; or

(b) on application made on behalf of Our government showing that from a consideration of the documents deposited with them under the provisions of this Regulation it appears to them that the company is insolvent.

23. (1) Where a life assurance business or any part of the life assurance business of a life assurance company has been transferred to another company under an arrangement in pursuance of which the first-mentioned company (in this Section called the subsidiary company) or the creditors thereof has or have claims against the company to which such transfer was made (in this Section called the principal company), then, if the principal company is being wound up by or under the supervision of the Court, the Court shall (subject as hereinafter mentioned) order the subsidiary company to be wound up in conjunction with the principal company, and may by the same or any subsequent order appoint the same person to be liquidator for the two companies, and make provision for such other matters as may seem to the Court necessary, with a view to the companies being wound up as if they were one company.

Winding up of subsidiary companies.

(2) The commencement of winding up of the principal company shall, save as otherwise ordered by the Court, be the commencement of the winding up of the subsidiary company.

(3) In adjusting the rights and liabilities of the members of the several companies between themselves, the Court shall have regard to the constitution of the companies and to the arrangements entered into between the companies, in the same manner as the Court has regard to the rights and liabilities of different classes of contributaries in the case of the winding up of a single company or as near thereto as circumstances admit.

(4) Where any company alleged to be subsidiary is not in process of being wound up at the same time as the principal company to which it is subsidiary, the Court shall not direct the subsidiary company to be wound up unless, after hearing all objections (if any) that may be urged by or on behalf of the company against its being wound up, the Court is of opinion that the company is subsidiary to the principal company and that the winding up of the company, in conjunction with the principal company is just and equitable.

(5) An application may be made in relation to the winding up of any subsidiary company in conjunction with a principal company by any creditor of, or person interested in, the principal or subsidiary company.

(6) Where a company stands in the relation of a principal company to one company and in the relation of a subsidiary company to some other company, or where there are several companies standing in the relation of subsidiary companies to one principal company, the Court may deal with any number of such companies together or in separate groups as it thinks most expedient upon the principles laid down in this section.

24. Where a life assurance company is being wound up by the Court, or subject to the supervision of the Court, or voluntarily, the value of a policy or of a liability under a policy requiring to be valued in such winding up shall be estimated in manner applicable to policies and liabilities provided by the Sixth Schedule.

Valuation of annuities and policies.

25. The rules in the Sixth Schedule shall be of the same force, and may be repealed, altered or amended as if they were rules made in pursuance of Section 248 of the Travancore Companies Regulation, 1092 and rules may be made under that Section for the purpose of carrying into effect the provisions of this Regulation with respect to the winding up of life assurance companies.

Rules of valuation.

26. The Court, in the case of a life assurance company which has been proved to be unable to pay its debts, may, if it thinks fit, reduce the amount of the contracts of the company upon such terms and subject to such conditions as it thinks just, in place of making a winding up order.

Power of Court to reduce amount of contracts.

27. In the winding up of a life assurance company in a case where any proportion of the profits of the company was before the commencement of the winding up allocated to policy-holders, if, when the assets and liabilities of the company have been ascertained, there is found to be a surplus of assets over liabilities (hereinafter referred to as a *prima facie* surplus), there shall be added to the liabilities of the company in respect of its life assurance business an amount equal to such proportion of the *prima facie* surplus as is equivalent to such proportion of the profits allocated to share-holders and policy-holders as was allocated to policy-holders during the ten years immediately preceding the commencement of the winding up, and the assets of the company shall be deemed to exceed its liabilities only in so far as those assets exceed those liabilities after such addition as aforesaid,

Application of surplus assets in liquidation.

Provided that, if in any case there has been no such allocation, or if it appears to the Court that by reason of special circumstances it would be inequitable that the amount to be added to the liabilities of the company in respect of the life assurance business should be an amount equal to such proportion as aforesaid, the amount to be so added shall be such amount as the Court may direct.

Special Provisions relating to Accounts and Documents.

28. Our Government may direct any documents deposited with them under this Regulation or certified copies thereof, to be kept by the Registrar or by any other officer appointed in this behalf, and any such documents and copies shall be open to inspection and copies thereof may be procured by any person on payment of such fees as Our Government may direct.

Custody and inspection of documents deposited with Our Government.

29. Our Government shall annually cause to be published in such manner as they may direct, a summary of the accounts, balance-sheets, abstracts, statements and other documents under this Regulation, or purporting to be under this Regulation, deposited with them during the preceding year by every life assurance company, except

Accounts, etc., published.

reports on the affairs of life assurance companies submitted to the share-holders or policy-holders thereof, and may append to such summary, any note of Our Government thereon, and any correspondence in relation thereto.

Evidence of documents.

30. Every document deposited under this Regulation with Our Government, and certified by the Registrar or by any person appointed in that behalf by Our Government to be a document so deposited, shall be deemed to be a document so deposited.

Evidence of copies of documents.

31. Every document purporting to be certified by the Registrar, or by any person appointed in that behalf by Our Government, to be a copy of a document so deposited, shall be deemed to be a copy of that document, and shall be received in evidence as if it were the original document unless some variation between it and the original document be proved.

Alteration of Forms.

32. Our Government may, on the application or with the consent of a life assurance company, alter the forms contained in the Schedules to this Regulation as respects that company, for the purpose of adapting them to the circumstances of that company.

Companies carrying on business in the United Kingdom and in British India.

Certain companies may apply to be declared companies which carry on life assurance business in the United Kingdom and in British India.

33. (1) An assurance company which carries on life assurance business in the United Kingdom in accordance with the Assurance Companies Act, 1909, or in British India in accordance with the Indian Life Assurance Companies Act, 1912, may, if carrying on life assurance business in Travancore before the commencement of this Regulation within three months of such commencement, or, in any other case, before it commences to carry on life assurance business in Travancore apply to Our Government for a declaration that it so carries on such business in the United Kingdom or in British India.

(2) A company applying under the provisions of sub-section (1) shall furnish, at the time of its application or at such further time as Our Government may prescribe, such evidence as they may direct of the facts alleged in its application.

(3) Where Our Government are satisfied that a life assurance company applying as aforesaid is a life assurance company which carries on business in the United Kingdom in accordance with the Assurance Companies Act, 1909, or in British India in accordance with the Indian Life Assurance Companies Act, 1912, they shall by notification in Our Government Gazette, make a declaration to that effect.

34. Where Our Government have notified a declaration in accordance with the provisions of Section 33 in respect of a life assurance company, nothing in Section 4, Section 5, clauses (a), (b) (c) or (d) of sub-section (1) of Section 7, Sections 8 to 12, Sections, 15, 20, 21 or 39 shall apply to the company:

Application of the Regulation to companies which carry on life assurance business in the United Kingdom and British India.

Provided that

(1) the company shall deposit with Our Government in the manner prescribed in Section 11, copies of every account, balance-sheet, abstract, statement or other document which the company is required by the Assurance Companies Act, 1909, to deposit at the Board of Trade or by the Indian Life Assurance Companies Act, 1912 to deposit with the Governor General in Council.

(2) if, at any time, a company in respect of which a declaration has been notified under Section 33 ceases to carry on life assurance business in the United Kingdom in accordance with the provisions of the Assurance Companies Act, 1909, or in British India in accordance with the Indian Life Assurance Companies Act, 1912 it shall, if it continues to carry on life assurance business in Travancore, be subject to all the provisions of this Regulation, from the date it ceased to carry on such business in the United Kingdom or in British India in accordance with the said Acts.

Penalties and Procedure.

35. Any life assurance company which makes default in complying with any of the requirements of this Regulation and every director, manager, or secretary, or other officer or agent of the company who is knowingly a party to the default shall be punishable with fine which may extend to one thousand rupees, or in the case of a continuing default, with fine which may extend to five hundred rupees for every day during which the default continues; and, if default continues for a period of three months after notice of default by Our Government (which notice shall be published in one or more newspapers as Our Government may, upon the application of one or more policy-holders, or share.holders, direct), the default shall be a ground on which the Court may order the winding up of the company, in accordance with the Travancore Companies Regulation, 1092.

Penalty for non-compliance with Regulation.

36. If any account, balance-sheet, abstract, statement or other document required by this Regulation is false in any particular to the knowledge of any person who signs it, such person shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

Penalty for falsifying statements, etc.

37. No Court inferior to that of a Magistrate of the first class shall try any offence against this Regulation.

Cognizance of offences.

Miscellaneous.

38. (1) Our Government may appoint one or more inspectors to examine into the affairs of any life assurance company, and to report thereon in such manner as they may direct.

Appointment of Inspectors.

(i) in the case of a life assurance company which is not registered under the Travancore Companies Regulation, 1092, upon the application—

(*a*) of share-holders being in number not less than one-fifth of the whole number of persons for the time being entered on the list of share-holders kept in accordance with the provisions of Section 16; or

(*b*) of 20 or more policy-holders owning policies of an aggregate value of not less than twenty thousand rupees;

(ii) in any case where a life assurance company has failed to furnish a further statement when required to do so under the provisions of Section 11, sub-section (2), or where Our Government are of opinion that any such further statement is insufficient or unsatisfactory:

(2) On an appointment being made under sub-section (1), the provisions of Section 144 of the Travancore Companies Regulation, 1092, shall apply to the examination made by such inspectors.

Service of notices

39. Any notice or other document which is by this Regulation required to be sent to any policy-holder may be addressed and sent to the person to whom notices respecting such policy are usually sent, and any notice so addressed and sent shall be deemed and taken to be notice to the holder of such policy:

Provided that where any person claiming to be interested in a policy has given to the company notice in writing of his interest, any notice which is by this Regulation required to be sent to policy-holders shall also be sent to such person at the address specified by him in his notice.

Powers to make rules.

40. (1) Our Government may make rules to carry out the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe the qualifications to be possessed by actuaries, auditors and inspectors under this Regulation and the manner in which the accounts of life assurance companies shall be audited;

(*b*) prescribe the time within, and the form in which notice of alteration of the particulars specified in Section 19 of the Regulation shall be filed with the Registrar;

(*c*) subject to the provisions of this Regulation prescribe the fees payable thereunder;

(d) provide that any portion of th investments of any life assurance Company carrying on business within Travancore shall be in such securities may be notified by Our Government in that behalf in Our Government Gazette.

(3) All rules made under this Regulation shall be published in Our Government Gazette and on such publication, shall have effect as if enacted in this Regulation.

Power of Our Government to exempt from the provisions of the Regulation.

41. Our Government may, by notification in Our Government Gazette and, subject to such restrictions and conditions as they think fit, exempt any life assurance company from all or any of the provisions of this Regulation.

THE FIRST SCHEDULE.

(See Section 7.)

REVENUE ACCOUNTS OF THE ________ FOR THE YEAR ENDING, ______

(A) *Life Assurance Account.*

	Rs.		Rs.
		Dividends payable on ... for the year ending ...... (This is only to be stated here by companies not supplying a Profit and loss account.)	
		Claims under policies paid and outstanding—	
		By death	
		By maturity	
Amount of life assurance fund at the beginning of the year.		Surrenders, including surrenders of bonus additions.	
		Annuities	
		Bonuses in cash	
		Bonuses in reduction of premiums..	
Premiums.		Expenses of management;—	
		Commission	
		Agents and Canvassers' allowances..	
Consideration for annuities granted (*See Note 1.*)		Salaries, etc. (other than to Agents and Canvassers.)	
		Travelling expenses	
Interests, dividends and rents. Rs. *Less* income-tax thereon.		Directors' fees...	
		Auditors fees...	
		Medical fees	
		Rents for offices belonging to, and occupied by, the company.	
		Rents of other offices occupied by the company.	
		Law charges	
		Advertising	
		Printing and stationery	
Other receipts (accounts to be specified).		Other expenses of management (accounts to be specified).	
		Other payments (accounts to be specified).	
		Amount of life assurance fund at the end of the year, as per Third Schedule.	
Rs.		Rs.	

NOTE 1.—Companies having a separate annuity fund with investments separate from those of the life assurance fund to return the particulars of their annuity business in a separate statement, in Form B of this schedule.

NOTE 2.—Items in this account to be net amounts after deduction of the amounts paid and received in respect of re-assurances of the company's risks.

NOTE 3.—If any sum has been deducted from the expenses of management account, and taken credit for in the balance sheet, as an asset, the sum so deducted to be separately shown in the above account.

(B) Revenue Account applicable to annuity business of those companies having a separate annuity-fund, the investments of which are kept separate from those of the life assurance fund.

	Rs.		Rs.
Amount of annuity fund at the beginning of the year		Annuities ...	
Consideration for annuities granted ...		Surrenders ...	
		Expenses of management:—	
Rs.		Commission ...	
Interests, dividends and rents ...		Other expenses (to be specified) ...	
Less income-tax thereon ...		Other payments (accounts to be specified).	
		Amount of annuity fund at the end of the year as per balance sheet.	
Other receipts ...			
Rs.		Rs.	

NOTE:—Items in this account to be net amounts afterd eduction of the amounts paid and received in respect of re-assurances of the company's risks.

(C) General Revenue Account applicable to all classes of business other than life assurance and annuity transactions.

	Rs.		Rs.
Amounts of funds at the beginning of the year ...		Claims less re-assurances (accounts to be specified)	
Premiums (accounts to be specified) ...			
Rs.		Expenses of management:—	
Interests, dividends and rents ...		Commission ...	
Less, income-tax thereon ...		Other expenses (to be specified) ...	
		Losses (accounts to be specified) ...	
Profits (accounts to be specified).		Other payments (accounts to be specified)	
Other receipts (to be specifi d).		Amount of funds at the end of the year as per balance-sheet.	
Rs.		Rs.	

NOTE 1.—All the items in the above account to be exclusive of life assurance an annuity transactions.

NOTE 2.—Items in this account to be net amounts after deduction of the amounts paid and received in respect of re-assurances of the company's risks.

THE SECOND SCHEDULE

(*See Section 7.*)

PROFIT AND LOSS ACCOUNT OF THE ________ FOR THE YEAR ENDING———.

	Rs.		Rs.
Balance of last year's account Rs.		Dividends and bonuses to share-holders payable on...for the year ending......	
Interest and dividends not Rs. carried to other accounts ... *Less* income-tax thereon ...		Expenses not charged to other accounts. ...	
Profit realised (accounts to be specified).		Loss realised (accounts to be specified).	
Other receipts (accounts to be specified).		Other payments (accounts to be specified).	
		Balance as per Third Schedule ...	
Rs.		Rs.	

THE THIRD SCHEDULE.

(*See Section 7.*)

(A) BALANCE-SHEET OF THE ON THE

Liabilities.	Rs.	Assets.	Rs.
		Assets of life assurance fund as per separate balance-sheet (if any) ...	
Rs. Life Assurance fund— ...		Assets of annuity fund as per separate balance-sheet (if any) ...	
Outstanding liabilities of life assurance fund		Assets of funds other than those shown in the above-mentioned balance-sheets ...	
Annuity fund (if any) as per separate balance-sheet.		Mortgages on property within India ...	
		Mortgages on property out of India ...	
		Loans on public rates ...	
Outstanding liabilities of annuity fund.		Do. life interests and reversions ...	

Liabilities.	Rs.	Assets.	Rs.
Shareholders' capital paid up (if any).		Do. stocks and shares ...	
Profit and loss account (if any).		Do. company's policies within their surrender values ...	
Funds contained in General Revenue Account (if any) [Schedule I (c)].		Do. personal security ...	
		Investments—	
		Deposit with the Chief Account Officer (securities to be specified) ...	
		Travancore Government securities.	
		Indian Government securities.	
		British and Colonial Government securities ...	
Other sums owing by the Company. (Accounts to be specified and stated separately under each class of business).		Foreign Government securities ...	
		Indian Municipal and Provincial securities ...	
		British and Colonial securities ...	
		Foreign and Colonial securities ...	
		Bonds, debentures, stocks and other securities whereon interest is guaranteed by the Indian Government ...	
		Bonds, debentures, stocks and other securities whereon interest is guaranteed by the British or any Colonial Government ...	
		Bonds, debentures, stocks and other securities whereon interest is guaranteed by any Foreign Government ...	
		Ordinary stocks and shares of *the Imperial Bank of India* and *the Reserve Bank of India* ...	
		Debentures of any Railway in India ...	
		Debentures of any Railway out of India...	
		Preference or guaranteed shares of any Railway in India ...	
		Preference or guaranteed shares of any Railway out of India ..	
		Ordinary stocks and shares of any Railway in India .	

Liabilities	Rs.	Assets.	Rs.
		Investments—(*contd.*)	
		Ordinary stocks and shares of any Railway out of India ...	
		House property in India ...	
		House property out of India ...	
		Freehold and leasehold ground rents and rent charges in India ...	
		Life interests and reversions in India ...	
		Life interests and reversions out of India ...	
		Other investments in India (to be specified) ...	
		Other investments out of India (to be specified) ...	
		Agents' balances ...	
		Outstanding premiums ...	
		Outstanding interests, dividends and rents ...	
		Interest accrued but not payable ...	
		Bills receivable ...	
		Cash	
		On deposit ...	
		In hand and on current account ...	
		Other assets (to be specified) ...	
Rs.		Rs.	

NOTE 1.—When part of the assets of the company are specifically deposited under local laws in varians places out of Travancore as security to holders of life assurance policies there issued, each such place and the amount compulsorily lodged therein must be specified.

NOTE 2.—The balance-sheet must state how the values of the Stock Exchange securities are arrived at, and on the occasions when a statement respecting valuation under the Fourth Schedule is mode, a certificate must be appended, signed by the same persons as signed the balance-sheet, to the effect that in their belief the assets set forth in the balance-sheet are in the aggregate fully of the value stated therein, less any investment reserve fund taken into account.

NOTE 3. Companies having investments with any uncalled liability shall state separately the full amount thereof.

NOTE 4.—Particulars must be given of all loans, including temporary advances, except loans on policies within their surrender values, made at any time during the year to any director or officer of a company or to any other company in which any of the said directors or officers may hold the position either of director or of officer.

(B) BALANCE-SHEET OF THE LIFE ASSURANCE FUND ON THE TO BE COMPLETED BY COMPANIES DOING BUSINESS OTHER THAN LIFE ASSURANCE FOR WHICH THEY HAVE SEPARATE FUNDS.

Liabilities.	Rs.	Assets.	Rs.
Life assurance fund ...		Mortgages on property within India ...	
Claims admitted or intimated but not paid ...		Do. Do. out of India ...	
Other sums owing by the company (under this class of business) ...		Loans on public rates ...	
		Do. life interests and reversions ...	
		Do. stocks and shares ...	
		Do. company's policies within their surrender values ...	
		Do. personal security ...	
		Deposit with the Chief Account Officer (securities to be specified) ...	
		Travancore Government securities ...	
		Indian Government securities ...	
		British and Colonial Government securities ...	
		Foreign Government securities ...	
		Indian Municipal and Provincial securities ...	
		British and Colonial securities ...	
		Foreign and Colonial securities ...	
		Bonds, debentures, stocks and other securities whereon interest is guaranteed by the Indian Government...	
		Bonds, debentures, stocks and other securities whereon interest is guaranteed by the British or any Colonial Government ...	
		Bonds, debentures, stocks and other securities whereon interest is guaranteed by any Foreign Government ...	

THE TRAVANCORE LIFE ASSURANCE COMPANIES REGULATION.

Liabilities.	Rs.	Assets.	Rs.
		Investments:—	
		Ordinary stocks and shares of the Imperial Bank of India and the Reserve Bank of India ...	
		Debentures of any Railway in India ...	
		Debentures of any Railway to of India ...	
		Preference or guaranteed shares of any Railway in India ...	
		Preference or guaranteed shares of any Railway out of India ...	
		Ordinary stocks and shares of any Railway in India ...	
		Ordinary stocks and shares of any Railway out of India ...	
		House property in India ...	
		House property out of India ...	
		Freehold and lease-hold ground rents and rent-charges in India ...	
		Life interests and reversions in India ...	
		Life interests and reversions out of India ...	
		Other investments in India (to be specified) ...	
		Other investments out of India (to be specified) ...	
		Agents' balances ...	
		Outstanding premiums ...	
		Do. interests, dividends and rents ...	
		Interest accrued but not payable	
		Bills receivable ...	
		Cash—	
		On deposit ...	
		In hand and on current account ...	
		Other assets (to be specified) ...	
	Rs.	Rs.	

NOTE 1.—When part of the assets of the company are specifically deposited under local laws in various places out of Travancore, as security to holders of life assurance policies there issued, each such place and the amount compulsorily lodged therein must be specified.

NOTE 2.—A balance, sheet in the above form must be rendered in respect of the annuity fund if the investments of that fund are distinct from those of the life assurance fund.

NOTE 3.—The balance-sheet must state how the values of the Stock Exchange securities are arrived at, and on the occasions when a statement respecting valuation under the Fourth Schedule is made, a certificate must be appended, signed by the same persons as signed the balance-sheet, to the effect that in their belief the assets set forth in the balance-sheet are in the aggregate fully of the value stated therein, less any investment reserve fund taken into account.

NOTE 4.—A certificate must be appended hereto, signed by the same persons as signed the balance-sheet (Form A) and by the auditor, to the effect that no part of any such fund has been applied, directly, or indirectly, for any purpose other than the class of business to which it is applicable.

NOTE—5. Companies having investments with any uncalled liability shall state separately the full amount thereof.

NOTE 6.—Particulars must be given of all loans, including temporary advances, except loans on policies within their surrender values, made at any time during the year to any direct or officer of a company, or to any other company, in which any of the said directors or officers may hold the position either of director or of officer.

THE FOURTH SCHEDULE.

(See Sections 8 and 9.)

STATEMENT RESPECTING THE VALUATION OF THE LIABILITIES UNDER LIFE POLICIES AND ANNUITIES OF THE......TO BE MADE AND SIGNED BY THE ACTUARY.

(The answers should be numbered to accord with the number of the corresponding questions.)

1. The date up to which the valuation is made.

2. The general principles adopted in the valuation and the method followed in the valuation of particular classes of assurances, ncluding a statement of the method by which the not premiums have been arrived at, and whether these principles were determined by the instrument constituting the company or by its regulations or bye-laws, or how otherwise, together with a statement of the manner in which policies on under average lives are dealt with.

3. The table or tables of mortality used in the valuation. In cases where the tables employed are not published, specimen policy values are to be given at the rate of interest employed in the valuation, in respect of whole life assurance policies effected at the

respective ages of 20, 30, 40, and 50, and having been respectively in force for 5 years, 10 years and upwards at intervals of five years, respectively, with similar specimen policy values in respect of endowment assurance policies, according to age at entry, original term of policy and duration.

4. The rate or rates of interest assumed in the calculations.

5. The actual proportion of the annual premium income (if any), reserved as a provision for future expenses and profits separately specified in respect of assurances with immediate profits, with deferred profits, and without profits. (Is none, state how this provision is made).

6. The consolidated revenue account since the last valuation, or in case of a company which has made no valuation, since the commencement of the business. This return should be made in the form annexed. (No return under this heading will be required where a statement under this schedule is deposited annually.)

7. The liabilities of the company under life policies and annuities at the date of valuation showing the number of policies, the amount assured and the amount of premiums payable annually under each class of policies, both with and without participation in profits and also the net liabilities and assets of the company with the amount of surplus or deficiency. (These returns to be made in the forms annexed.)

8. The principles upon which the distribution of profits among the share-holders and policy-holders is made and whether these principles were determined by the instrument constituting the company or by its regulations or bye-laws or how otherwise, and the number of years' premiums to be paid before a bonus (*a*) is allotted and (*b*) vests.

9. The results of the valuation, showing ;

(1) The total amount of profit made by the company, allocated as follows:

(*a*) among the policy-holders with immediate participation, and the number and amount of the policies which participated ;

(*b*) among policy-holders with deferred participation, and the number and amount of the policies which participated ;

(*c*) among the share-holders ;

(*d*) to reserve funds, or other accounts ;

(*e*) carried forward unappropriated.

(2) Specimens of bonuses allotted to whole life assurance policies for Rs. 1000 effected at the respective ages of 20, 30, 40 and 50, and having been respectively in force for 5 years, 10 years and upwards at intervals of 5 years respectively, together with the amounts apportioned under the various modes in which the bonus might be received ; with similar specimen bonuses and particulars in respect of endowment assurance policies, according to age at entry, original term of policy and duration.

(Form referred to under Heading No. 6 in Fourth Schedule)

Consolidated Revenue Account of the——for———years——— commencing——and ending———

	Rs.		Rs.
Amount of life assurance fund at the beginning of the period.		Claims under policies paid and out-standing—	
Premiums		By death	
Cnsideration of annuities grantde Rs.		By maturity	
Interest, dividends and rents loss income-tax thereon.			
Other receipts (accounts to be specified).		Surrenders	
		Annuities	
		Bonuses	
		Bonuses in cash reduction of premiums	
		Commission	
		Expenses of management	
		Other payments (accounts to be specified).	
		Amount of life assurance fund at tne end of the period as per Third Schedule.	
		Rs.	

NOTE.—If any sum has been deducted from the expenses of management account and taken credit for in the balance-sheet as an asset the sum so deducted to be separately shown in the above statement.

(Form referred to under Heading No. 7 in Fourth Schedule.)

Summary and valuation of the policies of the ....as .... at

	Particulars of the policies for valuation.				Valuation.			
					Value by the table interest. per cent.			
	Number of policies.	Sums assured and bonuses.	Office yearly premiums.	Net yearly Premiums.	Sums assured and bonuses.	Office yearly premiums.	Net yearly premiums.	Net liability.
ASSURANCE.								
I.—*With immediate participation in profits.*								
For whole term of life ...								
Other classes (to be specified) ...								
Extra premiums payable ...								
II.—*With deferred participation in profits.*								
For whole term of life ...								
Other classes (to be specified)								
Extra premiums payable								
Total Assurances with profits.								
Without participation in profits.								
For whole term of life ...								
Other classes (to be specified) ...								
Extra Premiums ...								
Total assurances without profits.								
Total assurances ...								
Deduct reassurances (to be specified according to class in a separate statement) ...								
Net amount of assurances ...								
Adjustments, if any (to be separately specified) ...								
ANNUITIES ON LIVES.								
Immediate ...								
Other classes (to be specified) ...								
Total of the results.								

Note. 1.—The term "extra premium" in this Regulation shall be taken to mean the charge for any risk not provided for in the minimum contract premium. If policies are issued in or for any country at rates of

premium deducted from tables other than the European mortality tables adopted by the company; separate schedules similar in form to the above must be furnished.

NOTE. 2.—Separate returns and valuation results must be furnished in respect of classes of policies valued by different tables of mortality, or at different rates of interest, also for business at other than European rates.

NOTE. 3.—In cases also where separate valuations of any portion of the business are required under local laws in places outside British India, a summary statement must be furnished in respect of the business so valued in each such place showing the total number of policies, the total sums assured and bonuses, the total office yearly premiums and the total net liability on the bases as to mortality and interest adopted in each such place, with statement as to such bases respectively.

(Form referred to under Heading No. 7. in Fourth Schedule.)

Valuation Balance sheet of ....as at..............

DR.	Rs.	CR.	Rs.
To net liability under life assurance and annuity transactions (as per summary statement provided in Fourth Schedule)		By life assurance and annuity funds (as per balance sheet under Third Schedule)	
To surplus, if any		By deficiency, if any ...	
	——		——
	——		——

THE FIFTH SCHEDULE.

(See Section 10.)

STATEMENT OF THE LIFE ASSURANCE AND ANNUITY BUSINESS OF THE......ON THE—......, TO BE SIGNED BY THE ACTUARY.

(The answers should be numbered to accord with the numbers of the corresponding questions. Statements of re-assurances corresponding to the statements in respect of assurances are to be given throughout). Separate statements are to be furnished in the replies to all the headings under this Schedule for business at other than European rates.

1. The published table or tables of premiums for the assurances for the whole term of life and for endowment assurances which are in use at the date above mentioned.

2. The total amount assured on lives for the whole term of life which are in existence at the date above mentioned, distinguishing the portions assured with immediate profits, with deferred profits and without profits, stating separately the total reversionary bonuses and specifying the sum assured for each year of life from the youngest to the oldest ages, the basis of division as to immediate and deferred profits being stated.

3. The amount of premiums receivable annually for each year of life after deducting the statements made by the application of the bonuses in respect of the respective assurances mentioned under Heading No. 2 distinguishing ordinary from extra premiums. A separate statement is to be given of premiums payable for a limited number of years, classified according to the number of years' payments remaining to be made.

4. The total amount assured under endowment assurances, specifying sums assured and office premiums separately in respect of each year in which such assurances will mature for payment. The reversionary bonuses must also be separately specified, and the sums assured with immediate profits, with deferred profits, and without profits separately returned.

5. The total amount assured under classes of assurance business, other than assurances dealt with under questions 2 and 4, distinguishing the sums assured under each class and stating separately the amounts assured with immediate profits, with deferred profits, and without profits, and the total amount of reversionary bonuses.

6. The amount of premiums receivable annually in respect of each such special class of assurances mentioned under Heading No. 5, distinguishing ordinary from extra premiums.

7. The total amount of premiums which has been received from the commencement upon pure endowment policies which are in force at the date above-mentioned.

8. The total amount of immediate annuities on lives, distinguishing the amounts for each year of life, and distinguishing male and female lives.

9. The amount of all annuities on lives other than those specified under Heading No. 8, distinguishing the amount of annuities payable under each class, and the amount of premiums annually receivable.

10. The average rate of interest yielded by the assets, whether invested or uninvested, constituting the life assurance fund of the company calculated upon the mean fund of each year during the period since the last investigation without deduction of income tax.

It must be stated whether or not the mean fund upon which the average rate of interest is calculated includes reversionary investments.

11. A table of minimum values, if any, allowed for the surrender of policies for the whole term of life and for endowments and endowment assurances, or a statement of the method pursued in calculating such surrender values with instances of the application of such method to policies of different standing and taken out at various interval ages from the youngest to the oldest.

THE SIXTH SCHEDULE.

(See Sections 24 and 25).

Rules for valuing annuities, life policies and liabilities.

Rule for valuing an annuity.

An annuity shall be valued according to the tables used by the company which granted such annuity at the time of granting the same, and, where such tables cannot be ascertained or adopted to the satisfaction of the Court, then according to such rate of interest and table of mortality as the Court may direct.

Rule for valuing a policy.

The value of the policy is to be the difference between the present value of the reversion in the sum assured according to the contingency upon which it is payable, including any bonus or addition thereto made before the commencement of the winding-up and the present value of the future annual paemiums.

In calculating such present values interest is to be assumed at such rate and the rate of mortality according to such tables, as the Court may direct.

The premium to be calculated is to be such premium as according to said rate of interest and rate of mortality is sufficient to provide for the risk incurred by the office in issuing the policy, exclusive of any addition thereto for office expenses and other charges.

Rule for valuing liability.

The liquidator, in the case of all persons appearing by the books of the company to be entitled to or interested in policies granted by such company, is to ascertain the value of the liability of the company to each such person, and give notice of such value to such persons in such manner as the Court may direct, and any person to whom notice is so given shall be bound by the value so ascertained unless he gives notice of his intention to dispute such value in manner and within a time to be prescribed by a rule or order of the Court.

Annexure IV.

THE TRAVANCORE LIFE ASSURANCE COMPANIES BILL.

(As passed by the Sri Mulam Assembly.)

A Regulation to provide for the Regulation of Life Assurance Companies.

Whereas it is expedient to provide for the Regulation of Life Assurance Com anies; It is hereby enacted as follows:—

Preliminary.

Short title and extent.

1. (1) This Regulation may be called "The Travancore Life Assurance Companies Regulation."

(2) It extends to the whole of Travancore.

Definitions.

2. In this Regulation unless there is anything repugnant in the subject or context:—

(1) "Actuary" means an actuary possessing such qualifications as may be prescribed by rules made by Our Government;

(2) "Chairman" means the person for the time being presiding over the board of directors or other governing body of a life assurance company;

(3) "Court" means the Principal Civil Court of original jurisdiction in a district;

(4) "financial year" means each period of twelve months at the end of which the balance of the accounts of the life assurance company is struck, or, if no such balance is struck, then the calendar year;

(5) "life assurance business" means the issue of, or the undertaking of liability under policies of assurance upon human life, or the granting of annuities upon human life;

(6) "policy of assurance on human life" means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;

(7) "policy-holder" means the person who for the time being is the legal holder of the policy for securing the contract with the life assurance company;

(8) where a company grants annuities upon human life, "policy" includes the instrument evidencing the contract to pay such an annuity, and "policy-holder" includes annuitant; and

(9) "Registrar" means any person who may be appointed by Our Government to perform the duties of the Registrar under this Regulation.

3. Save as hereafter expressly provided, this Regulation shall apply to all persons or bodies of persons, whether corporate or unincorporate (which persons and bodies of persons are hereinafter referred to as life assurance companies), whether established before or after the commencement of this Regulation and whether established within or without Travancore, who carry on life assurance business within Travancore.

Companies to which Regulation applies.

Explanation.—A company registered under the Travancore Companies Regulation, 1092, which carries on life assurance business in any part of the world shall for the purposes of this Section be deemed to be a company carrying on such business within Travancore.

Exception.—Nothing in this Regulation shall apply to any society to which the Provident Insurance Societies Regulation applies or to any Fund which Our Government may, by notification in Our Government Gazette exempt from the operation of this Regulation.

Deposits.

4. (1) Every life assurance company shall, if established before the commencement of this Regulation, within one year from such commencement, or if established after such commencement, before it commences to carry on the business of life assurance, deposit and keep deposited with the Chief Account Officer for and on behalf of Our Government, Government securities, as defined by the Travancore Government Securities Regulation III of 1099 of the face value of twenty-five thousand rupees or of a face value equal to one-third of the income derived from life assurance business as shown in the revenue account for the last financial year, whichever is greater and, until the company keeps deposited securities of the face value of two lakhs of rupees, shall annually deposit and keep deposited in like manner like securities of a face value—

Deposits

(a) equal to one-third of the income derived from life assurance business as shown in the revenue account for the last financial year, until the face value of the securities deposited exceeds one lakh of rupees;

(b) and thereafter equal in amount to one-third of the increase to the life assurance fund as shown in the revenue account for the last financial year:

Provided that a company may at any time deposit securities of a face value of two lakhs of rupees or make up its deposit of securities to that value.

(2) The interest accruing due on the securities deposited under sub-section (1) shall be paid to the company.

(3) The deposit may be made by the subscribers of the memorandum of association of a company or any of them, in the name of a proposed company and, upon the incorporation of the company, shall be deemed to have been made by, and to be part of the assets of, the company, and the Registrar of Joint Stock Companies shall not issue a

certificate of incorporation of the company under the Travancore Companies Regulation 1092 until the deposit has been made.

(4) The deposit shall be deemed to form part of the life assurance fund of the company.

(5) Notwithstanding anything contained in the foregoing provisions, Our Government may by notification in Our Government Gazette declare that the deposit may be made in such other securities or in such other manner as may be specified in the notification.

Accounts and Documents.

Separation of funds.

5. In the case of a life assurance company transacting other business besides that of life assurance, a separate account shall be kept of all receipts in respect of the life assurance business, and the said receipts shall be carried to and form a separate fund to be called the life assurance fund

Explanation.—Nothing in this Section shall be deemed to require any life assurance fund to be invested in separate investments from any other fund, but a separate balance sheet as prescribed under Section 7 shall be kept in respect of the life assurance fund.

Exception.—Nothing in this Section shall apply to a life assurance company established before the commencement of this Regulation by the terms of whose deed of settlement the whole of the profits of all the business carried on by the company are paid exclusively to the life policy-holders, and on the face of whose life policies the liability of the life assurance fund in presect of the o'her business distinctly appears.

Appropriation of life assurance fund.

6. The life assurance fund shall be as absolutely the security of the life policy holders as though it belonged to a company carrying on no other business than life assurance business and shall not be liable for any contracts of the company for which it should not have been liable had the business of the company been only that of life assurance, and shall not be applied, directly or indirectly, for any purposes other than those of life assurance.

Exception.—Nothing in this Section shall effect the liability of the life assurance fund, in the case of a company established before the commencement of this Regulation, for contracts entered into by the company before such commencement.

Accounts and balance-sheets.

7. (1) Every life assurance company shall, at the expiration of each financial year, prepare.—

(*a*) a revenue account for the year in the form or forms set forth in the First Schedule and applicable to the class or classes of business carried on by the company;

(*b*) a profit and loss account in the form set forth in the Second Schedule, except where the company carries on life assurance business only and no other business;

(*c*) a balance-sheet or balance-sheets in the form or forms set forth in the Third Schedule;

(*d*) a statement containing the name of every person who during the year was a member of the board of directors or other governing body or was manager or secretary or held any similar office by whatever name called ;

(*e*) a statement showing—

(A) as regards new policies of life assurance in respect of which a premium has been paid in the year of account,—

(i) the number of policies,

(ii) the sums assured,

(iii) the amount received by way of single premiums (including all premiums paid at the outset where no subsequent premium is payable), and

(iv) the amount of yearly renewal premium income;

(B) as regards total life assurance business,—

(i) the number of policies in force at the end of the year of account,

(ii) the sum assured (including reversionary bonus additions thereto) under policies in force at the end of the year of account, and

(iii) the premium income for which credit is taken in the revenue account ;

(C) as regards claims, the amount of the claims paid in the year of account under policies effected in Travancore,—

(i) to claimants in Travancore, and

(ii) to claimants outside Travancore :

(*f*) a statement showing in such forms as Our Government may prescribe, a classified summary of the investments of the company in Travancore in Government securities and in Travancore concerns and the other Travancore assets held by the company.

(2) For the purposes of clause (*e*) of sub-section (1), all items required to be stated shall be net amounts after deduction of the reinsurances of the company's risks, and for the purposes of sub-clause (A) and (B) of that clause—

(*a*) the statement shall show separately the numbers and amounts in respect of policies effected in, and policies effected outside Travancore ;

(*b*) where a sum assured is payable periodically, whether by way of an annuity or otherwise, it shall be stated separately from lump sum payments ; and

(*c*) policies of assurance upon the lives of a group of persons whereby sums assured are payable in respect of several persons included in the group shall be excluded from the statement and be shown in a separate statement containing the like particulars.

Actuarial reports and abstracts.

8. (1) Every life assurance company shall once in every five years, or at such shorter intervals as may be prescribed by the instrument constituting the company, or by its regulations or bye-laws, cause an investigation to be made into its financial condition, including a valuation of its liabilities, by an actuary and shall cause an abstract of the report of such actuary to be made in the form set forth in the Fourth Schedule.

(2) The provision of sub-section (1) regarding the making of an abstract shall also apply whenever at any other time an investigation into the financial condition of a life assurance company is made with a view to the distribution of profits, or whenever the results of any such investigation are made public.

Actuarial abstract in case of mutual company.

9. In the case of a mutual life assurance company whose profits reallocated to members wholly or mainly by annual abatements of premium, the abstract of the report of the actuary on the financial condition of the company prepared in accordance with the Fourth Schedule, may, notwithstanding anything in Section 8, be made and returned at intervals not exceeding five years: Provided that, where such return is not made annually, it shall include particulars as to the rates of abatement of premiums applicable to different classes or series of assurances allowed in each year during the period which has elapsed since the previous return under the Fourth Schedule.

Statement of life assurance business.

10. Every life assurance company shall, within three years from the commencement of this Regulation and thereafter, at the date to which the accounts of the company are made up for the purposes of the investigation prescribed by Section 8, prepare a statement of its assurance business in the form set forth in the Fifth Schedule; Provided that, if the investigation is made annually by any company, the company may prepare such a statement at any time, so that it may be made at least once in every five years.

Deposit of accounts, etc., with Our Government.

11. (1) Every account, balance-sheet, abstract or statement hereinbefore required to be made shall be printed, and four copies thereof, one of which shall be signed by the Chairman and two directors of the company, and by the principal officer of the company, and if the company has a managing director, by the managing director, shall be deposited with Our Government within six months in the case of accounts and balance-sheets required by Section 7, and within one year in other cases after the close of the period to which the account, balance-sheet, abstract or statement relates: Provided that, if in any case it is made to appear to Our Government that the circumstances are such that a longer period should be allowed, they may extend that period by such period as they may think fit.

(2) Our Government shall consider any document deposited in accordance with the provisions of sub-section (1) and, if any such document appears to Our Government to be inaccurate or defective in any respect, Our Government may call upon the company to furnish a further statement correcting any such inaccuracies or supplying any such deficiencies.

Deposit of report.

12. There shall be deposited with every revenue account and balance-sheet of a life assurance company every report on the affairs of the company submitted to the share-holders or policy-holders of the company in respect of the financial year to which the account and balance-sheet relate.

13. Where a life assurance company registered under the Travancore Companies Regulation, 1092 in any year deposits its accounts and balance-sheet in accordance with the provisions of Section 11, the company may, at the same time, send to the Registrar of Joint Stock Companies a copy of such amounts and balance-sheet, and where such copy is so sent, it shall not be necessary for the company to file a balance-sheet with the Registrar of Joint Stock Companies as required by Section 138 of the Travancore Companies Regulation, 1092, and the copy of the accounts and balance-sheet so sent shall be dealt with in all respects as if it were a balance-sheet filed in accordance with that section.

Exemption from certain provisions of Regulation I of 1092.

14. A printed copy of the accounts, balance-sheet, abstract or statement last deposited shall, on the application of any share-holder or policy-holderof the company, be forwarded to him by the company by post or otherwise.

Right of share-holders etc., to copies of accounts etc.

15. The accounts of every life assurance company shall be audited annually in such manner as Our Government may prescribe.

Audit of accounts.

16. Every life assurance company which is not registered under the Travancore Companies Regulation, 1092, shall keep a list of the names and addresses of its share-holders, and shall, on the application of any share-holder or policy-holder of the company, furnish to him a copy of such list on payment of a sum not exceeding two annas for every hundred words required to be copied.

List of share-holders.

17. Every life assurance company which is not registered under the Travancore Companies Regulation, 1092, shall cause a sufficient number of copies of its deed of settlement or other instrument constituting the company to be printed,and shall, on the application of any share-holder or policy-holder of the company, furnish to him a copy of such deed of settlement or other instrument on payment of a sum not exceeding one rupee.

Deed of settlement.

18. Where any notice, advertisement or other official publication of life assurance company contains a statement of the amount of the authorised capital of the company, the publication shall also contain a statement of the amount of the capital which has been subscribed and the amount paid up.

Publication of authorised as well as subscribed and paid-up capital.

19. (1) Every life assurance company, constituted outside Travancore which establishes a place of business within Travancore or appoints an agent in Travancore with the object of obtaining life assurance business, shall, within three months from the establishment of the place of business or the appointment of such agent, file with the Registrar:—

Requirements as to companies established outside Travancore.

(a) a certified copy of the charter, statutes or memorandum and articles of the company, or other instrument constituting or defining the constitution of the company, and, if the instrument is not written in the English language, a certified translation thereof;

(b) a list of the directors of the company;

(c) the names and addresses of some one or more persons resident in Travancore authorised to accept on behalf of the company service of process and any notices required to be served on the company;

and, in the event of any alteration being made in any such instrument or in the list of directors or in the names and addresses of such persons as aforesaid, the company shall, within such time as Our Government may prescribe, file with the Registrar a notice of the alteration.

(2) Any process or notice required to be served on the company shall be sufficiently served if addressed to any person whose name has been so filed as aforesaid and left at or sent by post to the address which has been so filed.

(3) There shall be paid to the Registrar for registering any document, required by this section to be filed, a fee of five rupees or such smaller fee as Our Government may prescribe.

Amalgamation or Transfer.

Amalgamation or transfer.

20. (1) Where it is intended to amalgamate two or more life assurance companies, or to transfer the life assurance business of one company to another, the directors of any one or more of such companies may apply to the Court, by petition, to sanction the proposed arrangement.

(2) Before any such application is made to the Court—

(a) notice of the intention to make the application shall be published in Our Government Gazette at least two months before the application is made;

(b) a statement of the nature of the amalgamation or transfer, as the case may be together with an abstract containing the material facts embodied in the agreement or deed under which the amalgamation or transfer is proposed to be effected, and copies of the actuarial or other reports upon which the agreement or deed is founded, inluding a report by an independent actuary shall, unless the Court otherwise directs, be ransmitted to each policy-holder of each company: and

(c) the agreement or deed under which the amalgamation or transfer is effected shall be open for the inspection of the policy-holders and share-holders at the offices of the companies for a period of fifteen days after the last publication of the notice.

(3) The Court, after hearing the directors and other persons whom it considers entitled to be heard upon the petition, may sanction the arrangement if it is satisfied that no sufficient objection to the arrangement has been established.

(4) The Court shall not sanction the amalgamation or transfer in any case in which it appears to the Court that the life-policy-holders

representing one tenth or more of the total amount assured in any company which it is proposed to amalgamate, or in any company the business of which it is proposed to transfer dissent from the amalgamation or transfer.

(5) No life assurance company shall amalgamate with another, or transfer its business to another unless the amalgamation or transfer is sanctioned by the Court in accordance with this section.

Statement in case of amalgamation or transfer.

21. Where an amalgamation takes place between any life assurance companies, or where any life assurance business of one such company is transferred to another company, the combined company or the purchasing company, as the case may be, shall, within one month from the date of the completion of the amalgamation or transfer, deposit with our Government:—

(a) certified copies of statements of the assets and liabilities of the companies concerned in such amalgamation or transfer together with a statement of the nature and terms of the amalgamation or transfer; and

(b) a certified copy of the agreement or deed under which the amalgamation or transfer is effected; and

(c) certified copies of the actuarial or other reports upon which that agreement or deed is founded; and

(d) a declaration under the hand of the Chairman of each company, and the principal officer of each company, that to the best of their belief every payment made or to be made to any person whatsoever on account of the amalgamation or transfer is there in fully set forth, and that no other payments beyond those set forth have been made or are to be made either in money, policies, bonds, valuable securities or other property by or with the knowledge of any parties to the amalgamation or transfer.

Winding up.

Special provisions as to winding up of assurance companies.

22. The Court may order the winding up of a life assurance company, in accordance with the Travancore Companies Regulation, 1092 and the provisions of that Regulation shall apply accordingly, subject, however, to the modification that the company may be ordered to be wound up—

(a) on the petition of ten or more policy holders:

Provided that such a petition shall not be presented except by the leave of the Court, and leave shall not be granted until a *prima facie* case has been established to the satisfaction of the Court and until security for costs for such amount as the Court may think reasonable has been given; or

(b) on application made on behalf of Our Government showing that from a consideration of the documents deposited with them under the provisions of this Regulation it appears to them that the company is insolvent.

23. (1) Where a life assurance business or any part of the life assurance business of a life assurance company has been transferred to another company under an arrangement in pursuance of which the first-mentioned company (in this Section called the subsidiary company) or the creditors thereof has or have claims against the company to which such transfer was made (in this Section called the principal company), then, if the principal company is being wound up by or under the supervision of the Court, the Court shall (subject as hereinafter mentioned) order the subsidiary company to be wound up in conjunction with the principal company, and may by the same or any subsequent order appoint the same person to be liquidator for the two companies, and make provision for such other matters as may seem to the Court necessary, with a view to the companies being wound up as if they were one company.

Winding up of subsidiary companies.

(2) The commencement of winding up of the principal company shall, save as otherwise ordered by the Court, be the commencement of the winding up of the subsidiary company.

(3) In adjusting the rights and liabilities of the members of the several companies between themselves, the Court shall have regard to the constitution of the companies and to the arrangements entered into between the companies, in the same manner as the Court has regard to the rights and liabilities of different classes of contributaries in the case of the winding up of a single company or as near thereto as circumstances admit.

(4) Where any company alleged to be subsidiary is not in process of being wound up at the same time as the principal company to which it is subsidiary, the Court shall not direct the subsidiary company to be wound up unless, after hearing all objections (if any) that may be urged by or on behalf of the company against its being wound up, the Court is of opinion that the company is subsidiary to the principal that the winding up of the company, and company in conjunction with the principal company is just and equitable.

(5) An application may be made in relation to the winding up of any subsidiary company in conjunction with a principal company by any creditor of, or person interested in, the principal or subsidiary company.

(6) Where a company stands in the relation of a principal company to one company and in the relation of a subsidiary company to some other company, or where there are several companies standing in the relation of subsidiary companies to one principal company, the Court may deal with any number of such companies together or in separate groups as it thinks most expedient upon the principles laid down in this section.

24. Where a life assurance company is being wound up by the Court, or subject to the supervision of the Court, or voluntarily, the value of a policy or of a liability under a policy requiring to be valued in such winding up shall be estimated in manner applicable to policies and liabilities provided by the Sixth Schedule.

Valuation of annuities and policies.

25. The rules in the Sixth Schedule shall be of the same force, and may be repealed, altered or amended as if they were rules made in pursuance of Section 248 of the Travancore Companies Regulation, 1092 and rules may be made under that Section for the purpose of carrying into effect the provisions of this Regulation with respect to the winding up of life assurance companies.

Rules of valuation.

26. The Court, in the case of a life assurance company which has been proved to be unable to pay its debts, may, if it thinks fit, reduce the amount of the contracts of the company upon such terms and subject to such conditions as it thinks just, in place of making a winding up order.

Power of Court to reduce amount of contracts.

27. In the winding up of a life assurance company in a case where any proportion of the profits of the company was before the commencement of the winding up allocated to policy holders, if, when the assets and liabilities of the company have been ascertained, there is found to be a surplus of assets over liabilities (hereinafter referred to as a *prima facie* surplus), there shall be added to the liabilities of the company in respect of its life assurance business an amount equal to such proportion of the *prima facie* surplus as is equivalent to such proportion of the profits allocated to share-holders and policy-holders as was allocated to policy-holders during the ten years immediately preceding the commencement of the winding up, and the assets of the company shall be deemed to exceed its liabilities only in so far as those assets exceed those liabilities after such addition as aforesaid :

Application of surplus assets in liquidation.

Provided that, if in any case there has been no such allocation, or if it appears to the Court that by reason of special circumstances it would be inequitable that the amount to be added to the liabilities of the company in respect of the life assurance business should be an amount equal to such proportion as aforesaid, the amount to be so added shall be such amount as the Court may direct.

Special Provisions relating to Accounts and Documents.

28. Our Government may direct any documents deposited with them under this Regulation or certified copies thereof, to be kept by the Registrar or by any other officer appointed in this behalf, and any such documents and copies shall be open to inspection and copies thereof may be procured by any person on payment of such fees as Our Government may direct.

Custody and inspection of documents deposited with Our Government.

29. Our Government shall annually cause to be published in such manner as they may direct, a summary of the accounts, balance-sheets, abstracts, statements and other documents under this Regulation, or purporting to be under this Regulation, deposited with them during the preceding year by every life assurance company, except

[illegible] accounts, etc., [illegible] published.

reports on the affairs of life assurance companies submitted to the share-holders or policy-holders thereof, and may append to such summary, any note of Our Government thereon, and any correspondence in relation thereto.

Evidence of documents.

30. Every document deposited under this Regulation with Our Government, and certified by the Registrar or by any person appointed in that behalf by Our Government to be a document so deposited, shall be deemed to be a document so deposited.

Evidence of copies of documents.

31. Every document purporting to be certified by the Registrar, or by any person appointed in that behalf by Our Government, to be a copy of a document so deposited, shall be deemed to be a copy of that document, and shall be received in evidence as if it were the original document unless some variation between it and the original document be proved.

Alteration of Forms.

32. Our Government may, on the application or with the consent of a life assurance company, alter the forms contained in the Schedules to this Regulation as respects that company, for the purpose of adapting them to the circumstances of that company.

Companies carrying on business in the United Kingdom or in British India.

Certain companies may apply to be declared companies which carry on life assurance business in the United Kingdom or in British India

33. (1) An assurance company which carries on life assurance business in the United Kingdom in accordance with the Assurance Companies Act, 1909, or in British India in accordance with the Indian Life Assurance Companies Act, 1912, may, if carrying on life assurance business in Travancore before the commencement of this Regulation within three months of such commencement, or, in any other case, before it commences to carry on life assurance business in Travancore apply to Our Government for a declaration that it so carries on such business in the United Kingdom or in British India.

(2) A company applying under the provisions of sub-section (1) shall furnish, at the time of its application or at such further time as Our Government may prescribe, such evidence as they may direct of the facts alleged in its application.

(3) Where Our Government are satisfied that a life assurance company applying as aforesaid is a life assurance company which carries on business in the United Kingdom in accordance with the Assurance Companies Act, 1909, or in British India in accordance with the Indian Life Assurance Companies Act, 1912, they shall by notification in Our Government Gazette, make a declaration to that effect.

34 Where Our Government have notified a declaration in accordance with the provisions of Section 33 in respect of a life assurance company, nothing in Section 4, Section 5, clauses (a), (b) (c) or (d) of sub-section (1) of Section 7, Sections 8 to 12, Section, 15, 20, 21 or 39 shall apply to the company:

Application of the Regulation to companies which carry on life assurance business in the United Kingdom and British India.

Provided that

(1) the company shall deposit with Our Government in the manner prescribed in Section 11, copies of every account, balance-sheet, abstract, statement or other document which the company is required by the Assurance Companies Act, 1909, to deposit at the Board of Trade or by the Indian Life Assurance Companies Act, 1912 to deposit with the Governor General in Council

(2) if, at any time, a company in respect of which a declaration has been notified under Section 33 ceases to carry on life assurance business in the United Kingdom in accordance with the provisions of the Assurance Companies Act, 1909, or in British India in accordance with the Indian Life Assurance Companies Act, 1912 it shall, if it continues to carry on life assurance business in Travancore, be subject to all the provisions of this Regulation, from the date it ceased to carry on such business in the United Kingdom or in British India in accordance with the said Acts.

Penalties and Procedure.

35. Any life assurance company which makes default in complying with any of the requirements of this Regulation and every director, manager, or secretary, or other officer or agent of the company who is knowingly a party to the default shall be punishable with fine which may extend to one thousand rupees, or in the case of a continuing default, with fine which may extend to five hundred rupees for every day during which the default continues; and, if default continues for a period of three months after notice of default by Our Government (which notice shall be published in one or more newspapers as Our Government may, upon the application of one or more policy-holders, or share-holders, direct), the default shall be a ground on which the Court may order the winding up of the company, in accordance with the Travancore Companies Regulation, 1092.

Penalty for non-compliance with Regulation.

36. If any account, balance-sheet, abstract, statement or other document required by this Regulation is false in any particular to the knowledge of any person who signs it, such person shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

Penalty for falsifying statements, etc.

Cognizance of offences.

37. No Court inferior to that of a Magistrate of the first class shall try any offence against this Regulation.

Miscellaneous.

38. (1) Our Government may appoint one or more inspectors to examine into the affairs of any life assurance company, and to report thereon in such manner as they may direct,

Appointment of Inspectors.

(i) in the case of a life assurance company which is not registered under the Travancore Companies Regulation, 1092, upon the application—

(a) of share-holders being in number not less than one-fifth of the whole number of persons forthe time being entered on the list of share-holders kept in accordance with the provisions of Section 16; or

(b) of 20 or more policy-holders owning policies of an aggregate value of not less than twenty thousand rupees;

(ii) in any case where a life assurance company has failed to furnish a further statement when required to do so under the provisions of Section 11, sub-section (2), or where Our Government are of opinion that any such further statement is insufficient or unsatisfactory:

(2) On an appointment being made under sub-section (1), the provisions of Section 144 of the Travancore Companies Regulation, 1092, shall apply to the examination made by such inspectors.

Service of notices.

39. Any notice or other document which is by this Regulation required to be sent to any policy-holder may be addressed and sent to the person to whom notices respecting such policy are usually sent, and any notice so addressed and sent shall be deemed and taken to be notice to the holder of such policy:

Provided that where any person claiming to be interested in a policy has given to the company notice in writing of his interest, any notice which is by this Regulation required to be sent to policy-holders shall also be sent to such person at the address specified by him in his notice.

Powers to make rules.

40. (1) Our Government may make rules to carry out the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) prescribe the qualifications to be possessed by actuaries, auditors and inspec- tors under this Regulation and the manner in which the accounts of life assurance companies shall be audited;

(b) prescribe the time within, and the form in which notice of alteration of the particulars specified in Section 19 of the Regulation shall be filed with the Registrar;

(c) subject to the provisions of this Regulation prescribe the fees payable thereunder;

(d) provide that any portion of the investments of any life assurance company carrying on business within Travancore shall be in such securities as may be notified by Our Government in that behalf in Our Government Gazette.

(3) All rules made under this Regulation shall be published in Our Government Gazette and on such publication, shall have effect as if enacted in this Regulation.

Power of Our Government to exempt from the provisions of the Regulation.

41. Our Government may, by notification in Our Government Gazette and, subject to such restrictions and conditions as they think fit, exempt any life assurance company from all or any of the provisions of this Regulation.

THE FIRST SCHEDULE.

(See Section 7.)

REVENUE ACCOUNTS OF THE ________ FOR THE YEAR ENDING ________

(A) Life Assurance Account.

	Rs.		
		Dividends payable on ... for the year ending ...... (This is only to be stated here by companies not supplying a Profit and loss account.)	
		Claims under policies paid and outstanding—	
		By death	
		By maturity	
Amount of life assurance fund at the beginning of the year.		Surrenders, including surrenders of bonus additions.	
		Annuities	
		Bonuses in cash	
		Bonuses in reduction of premiums..	
Premiums.		Expenses of management —	
		Commission	
		Agents and Canvassers' allowances..	
Consideration for annuities granted (*See Note 1.*)		Salaries, etc. (other than to Agents and Canvassers.)	
		Travelling expenses	
Interests, dividends and rents. Rs. *Less* income-tax thereon.		Directors' fees...	
		Auditors fees...	
		Medical fees	
		Rents for offices belonging to, and occupied by, the company.	
		Rents of other offices occupied by the company.	
		Law charges	
		Advertising	
		Printing and stationery	
Other receipts (accounts to be specified).		Other expenses of management (accounts to be specified).	
		Other payments (accounts to be specified).	
		Amount of life assurance fund at the end of the year, as per Third Schedule.	
Rs.		Rs.	

NOTE 1.—Companies having a separate annuity fund with investments separate from those of the life assurance fund to return the particulars of their annuity business in a separate statement, in Form B of this schedule.

NOTE 2.—Items in this account to be net amounts after deduction of the amounts paid and received in respect of re-assurances of the company's risks.

NOTE 3.—If any sum has been deducted from the expenses of management account, and taken credit for in the balance sheet, as an asset, the sum so deducted to be separately shown in the above account.

(B) Revenue Account applicable to annuity business of those companies having a separate annuity-fund, the investments of which are kept separate from those of the life assurance fund.

	Rs.		Rs.
Amount of annuity fund at the beginning of the year		Annuities ...	
Consideration for annuities granted ...		Surrenders ...	
Rs.		Expenses of management :–	
Interests, dividends and rents ...		Commission ...	
Less income-tax thereon ...		Other expenses (to be specified) ...	
		Other payments (accounts to be specified).	
		Amount of annuity fund at the end of the year as per balance sheet.	
Other receipts ...			
Rs.		Rs.	

NOTE:—Items in this account to be net amounts after deduction of the amount paid and received in respect of re asurances of the company's risks.

(C) General Revenue Account applicable to all classes of business other than life assurance and annuity transactions.

	Rs.		Rs.
Amounts of funds at the beginning of the year ...		Claims less re-assurances (accounts to be specified)	
Premiums (accounts to be specified) ...			
Rs.		Expenses of management :–	
Interests, dividends and rents ...		Commission ...	
Less incometax thereon ..		Other expenses (to be specified) ...	
		Losses (accounts to be specified) ...	
Profits (accounts to be specified).		Other payments (accounts to be specified)	
Other receipts (to be specified).		Amount of funds at the end of the year as per balance-sheet.	
Rs.		Rs.	

NOTE 1.– All the items in the above account to be exclusive of life assurance an annuity transactions.

NOTE 2.—Items in this account to be net amounts after deduction of the amounts paid and received in respect of re-assurances of the company's risks.

THE SECOND SCHEDULE

(*See Section 7.*)

PROFIT AND LOSS ACCOUNT OF THE ________ FOR THE YEAR ENDING———.

	Rs.		Rs.
Balance of last year's account Rs.		Dividends and bonuses to share-holders payable on...for the year ending......	
Interest and dividends not carried to other accounts ... *Less* income-tax thereon ...		Expenses not charged to other acocunts. ..	
Profit realized (accounts to be specified).		Loss realised (accounts to be specified).	
Other receipts (accounts to be specified).		Other payments (accounts to be specified).	
		Balance as per Third Schedule ...	
Rs.		Rs	

THE THIRD SCHEDULE.

(*See Section 7.*)

(A) BALANCE-SHEET OF THE ON THE

Liabilities.	Rs.	Assets.	Rs.
		Assets of life assurance fund as per separate balance-sheet (if any) ...	
Rs. Life Assurance fund—		Assets of annuity fund as per separate balance-sheet (if any) ...	
Outstanding liabilities of life assurance fund		Assets of funds other than those shown in the above-mentioned balance-sheets ...	
Annuity fund (if any) as per separate balance-sheet.		Mortgages on property within India ...	
		Mortgages on property out of India ...	
		Loans on public rates ...	
Outstanding liabilities of annuity fund.		Do. life interests and reversions ...	

Liabilities.	Rs.	Assets.	Rs.
Shareholders' capital paid up (if any).		Do. stocks and shares ...	
Profit and loss account (if any).		Do. company's policies within their surrender values ...	
		Do. personal security ...	
Funds contained General in Revenue Account (if any) [Schedule I (c)].		Investments— Deposit with the Chief Account Officer (securities to be specified) ...	
		Travancore Government securities.	
		Indian Government securities.	
		British and Colonial Government securities ...	
Other sums owing by the Company. (Accounts to be specified and stated separately under each class of business).		Foreign Government securities ...	
		Indian Municipal and Provincial securities ...	
		British and Colonial securities ...	
		Foreign and Colonial securities ...	
		Bonds, debentures, stocks and other securities whereon interest is guaranteed by the Indian Government ...	
		Bonds, debentures, stocks and other securities whereon interest is guaranteed by the British or any Colonial Government ...	
		Bonds, debentures, stocks and other securities whereon interest is guaranteed by any Foreign Government ...	
		Ordinary stocks and shares of the Imperial Bank of India and the Reserve Bank of India ...	
		Debentures of any Railway in India ...	
		Debentures of any Railway out of India...	
		Preference or guaranteed shares of any Railway in India ...	
		Preference or guaranteed shares of any Railway out of India ..	
		Ordinary stocks and shares of any Railway in India	

THE TRAVANCORE LIFE ASSURANCE COMPANIES REGULATION.

Liabilities	Rs.	Assets.	Rs.
		Investments—(*contd.*)	
		Ordinary stocks and shares of any Railway out of India ...	
		House property in India ...	
		House property out of India ...	
		Freehold and leasehold ground rents and rent charges in India ...	
		Life interests and reversions in India ...	
		Life interests and reversions out of India ...	
		Other investments in India (to be specified) ...	
		Other investments out of India (to be specified) ...	
		Agents' balances ...	
		Outstanding premiums ...	
		Outstanding interests, dividends and rents ...	
		Interest accrued but not payable ...	
		Bills receivable ...	
		Cash -	
		On deposit ...	
		In hand and on current account ...	
		Other assets (to be specified) ...	
Rs.		Rs.	

NOTE 1.—When part of the assets of the company are specifically deposited under local laws in various places out of Travancore as security to holders of life assurance policies there issued, each such place and the amount compulsorily lodged therein must be specified.

NOTE 2.—The balance-sheet must state how the values of the Stock Exchange securities are arrived at, and on the occasions when a statement respecting valuation under the Fourth Schedule is made, a certificate must be appended, signed by the same persons as signed the balance-sheet, to the effect that in their belief the assets set forth in the balance-sheet are in the aggregate fully of the value stated therein, less any investment reserve fund taken into account.

NOTE 3. Companies having investments with any uncalled liability shall state separately the full amount thereof.

NOTE 4.—Particulars must be given of all loans, including temporary advances, except loans on policies within their surrender values, made at any time during the year to any director or officer of a company or to any other company in which any of the said directors or officers may hold the position either of director or of officer.

(B) BALANCE-SHEET OF THE LIFE ASSURANCE FUND ON THE TO BE COMPLETED BY COMPANIES DOING BUSINESS OTHER THAN LIFE ASSURANCE FOR WHICH THEY HAVE SEPARATE FUNDS.

Liabilities.	Rs.	Assets.	Rs.
Life assurance fund ...		Mortgages on property within India ...	
Claims admitted or intimated but not paid ...		Do. Do. out of India ...	
Other sums owing by the company (under this class of business) ...		Loans on public rates ...	
		Do. life interests and reversions ...	
		Do. stocks and shares ...	
		Do. company's policies within their surrender values ...	
		Do. personal security ...	
		Deposit with the Chief Account Officer (securities to be specified) ...	
		Travancore Government securities ...	
		Indian Government securities ...	
		British and Colonial Government securities ...	
		Foreign Government securities ...	
		Indian Municipal and Provincial securities ...	
		British and Colonial securities ...	
		Foreign and Colonial securities ...	
		Bonds, debentures, stocks and other securities whereon interest is guaranteed by the Indian Government...	
		Bonds, debentures, stocks and other securities whereon interest is guaranteed by the British or any Colonial Government ...	
		Bonds, debentures, stocks and other securities whereon interest is guaranteed by any Foreign Government ...	

Liabilities.	Rs.	Assets.	Rs
		Investments:—	
		Ordinary stocks and shares of the Imperial Bank of India and the Reserve Bank of India ...	
		Debentures of any Railway in India ...	
		Debentures of any Railway out of India ...	
		Preference or guaranteed shares of any Railway in India ...	
		Preference or guaranteed shares of any Railway out of India ...	
		Ordinary stocks and shares of any Railway in India ...	
		Ordinary stocks and shares of any Railway out of India ...	
		House property in India ...	
		House property out of India ...	
		Freehold and lease hold ground rents and rent-charges in India ...	
		Life interests and reversions in India ...	
		Life interests and reversions out of India ...	
		Other investments in India (to be specified) ...	
		Other investments out of India (to be specified) ...	
		Agents' balances ...	
		Outstanding premiums ...	
		Do. interests, dividends and rents ...	
		Interest accrued but not payable	
		Bills receivable ...	
		Cash—	
		On deposit ...	
		In hand and on current account ...	
		Other assets (to be specified) ...	
	Rs.	Rs.	

NOTE I.—When part of the assets of the company are specifically deposited under local laws in various places out of Travancore, as security to holders of life assurance policies there issued, each such place and the amount compulsorily lodged therein must be specified.

NOTE 2.—A balance, sheet in the above form must be rendered in respect of the annuity fund if the investments of that fund are distinct from those of thelife assurance fund.

NOTE 3.—The balance-sheet must state how the values of the Stock Exchange securities are arrived at, and on the occasions when a statement respecting valuation under the Fourth Schedule is made, a certificate must be appended, signed by the same persons as signed the balance-sheet, to the effect that in their belief the assets set forth in the balance-sheet are in the aggregate fully of the value stated therein, less any investment reserve fund taken into account.

NOTE 4.—A certificate must be appended hereto, signed by the same persons as signed the balance-sheet (Form A) and by the auditor, to the effect that no part of any such fund has been applied, directly, or indirectly, for any purpose other than the class of business to which it is applicable.

NOTE—5. Companies having investments with any uncalled liability shall state separately the full amount thereof.

NOTE 6.—Particulars must be given of all loans, including temporary advances, except loans on policies within their surrender values, made at any time during the year to any direct or or officer of a company, or to any other company, in which any of the said directors or officers may hold the position either of director or of officer.

THE FOURTH SCHEDULE.

(See Sections 8 and 9.)

STATEMENT RESPECTING THE VALUATION OF THE LIABILITIES UNDER LIFE POLICIES AND ANNUITIES OF THE... TO BE MADE AND SIGNED BY THE ACTUARY.

(The answers should be numbered to accord with the number of the correspon-ding questions.)

1. The date up to which the valuation is made.

2. The general principles adopted in the valuation and the method followed in the valuation of particular classes of assurances, ncluding a statement of the method by which the net premiums have been arrived at, and whether these principles were determined by the instrument constituting the company or by its regulations or bye-laws, or how otherwise, together with a statement of the manner in which policies on under average lives are dealt with.

3. The table or tables of mortality used in the valuation. In cases where the tables employed are not published, specimen policy values are to be given at the rate of interest employed in the valuation, in respect of whole life assurance policies effected at the

respective ages of 20, 30, 40, and 50, and having been respectively in force for 5 years, 10 years and upwards at intervals of five years, respectively, with similar specimen policy values in respect of endowment assurance policies, according to age at entry, original term of policy and duration.

4. The rate or rates of interest assumed in the calculations.

5. The actual proportion of the annual premium income (if any), reserved as a provision for future expenses and profits separately specified in respect of assurances with immediate profits, with deferred profits, and without profits. (If none, state how this provision is made).

6. The consolidated revenue account since the last valuation, or in case of a company which has made no valuation, since the commencement of the business. This return should be made in the form annexed. (No return under this heading will be required where a statement under this schedule is deposited annually.)

7. The liabilities of the company under life policies and annuities at the date of valuation showing the number of policies, the amount assured and the amount of premiums payable annually under each class of policies, both with and without participation in profits and also the net liabilities and assets of the company with the amount of surplus or deficiency. (These returns to be made in the forms annexed.)

8. The principles upon which the distribution of profits among the share-holders and policy-holders is made and whether these principles were determined by the instrument constituting the company or by its regulations or bye-laws or how otherwise, and the number of years' premiums to be paid before a bonus (*a*) is allotted and (*b*) vests.

9. The results of the valuation, showing; –

(1) The total amount of profit made by the company, allocated as follows:

(*a*) among the policy-holders with immediate participation, and the number and amount of the policies which participated;

(*b*) among policy-holders with deferred participation, and the number and amount of the policies which participated;

(*c*) among the share-holders;

(*d*) to reserve funds, or other accounts;

(*e*) carried forward unappropriated.

(2) Specimens of bonuses allotted to whole life assurance policies for Rs. 1000 effected at the respective ages of 20, 30, 40 and 50, and having been respectively in force for 5 years, 10 years and upwards at intervals of 5 years respectively, together with the amounts apportioned under the various modes in which the bonus might be received; with similar specimen bonuses and particulars in respect of endowment assurance policies, according to age at entry, original term of policy and duration.

(Form referred to under Heading No. 6 in Fourth Schedule.)

Consolidated Revenue Account of the———for————years——— commencing———and ending———

	Rs.		Rs.
Amount of life assurance fund at the beginning of the period.		Claims under policies paid and out-standing—	
Premiums		By death	
Cnsideration of annuities granted		By maturity	
Interest, dividends and rents- Rs *less* income-tax thereon.			——
Other receipts (accounts to be specified).		Surrenders	
		Annuities	
		Bonuses	
		Bonuses in cash reduction of premiums	
		Commission	
		Expenses of management	
		Other payments (accounts to be specified)	
	——	Amount of life assurance fund at the end of the period as per Third Schedule.	——
		Rs.	

NOTE.—If any sum has been deducted from the expenses of management account and taken credit for in the balance-sheet as an asset the sum so deducted to be separately shown in the above statement.

(Form referred to under Heading No. 7 in Fourth Schedule.)

Summary and valuation of the policies of the ....as at........

	Particulars of the policies for valuation.				Valuation.			
					Value by the table interest. per cent.			
	Number of policies.	Sums assured and bonuses.	Office yearly premiums.	Net yearly premiums.	Sums assured and bonuses.	Office yearly premiums.	Net yearly premiums.	Net liability.
ASSURANCE.								
I.—*With immediate participation in profits.*								
For whole term of life ...								
Other classes (to be specified) ...								
Extra premiums payable ...								
II.—*With deferred participation in profits.*								
For whole term of life ...								
Other classes (to be specified)								
Extra premiums payable								
TOTAL ASSURANCES WITH PROFITS.								
Without participation in profits.								
For whole term of life ...								
Other classes (to be specified) ...								
Extra premiums ...								
TOTAL ASSURANCES WITHOUT PROFITS.								
Total assurances ...								
Deduct reassurances (to be specified according to class in a separate statement) ...								
Net amount of assurances ...								
Adjustments, if any (to be separately specified) ...								
ANNUITIES ON LIVES.								
Immediate ...								
Other classes (to be specified) ...								
TOTAL OF THE RESULTS.								

NOTE. 1.—The term "extra premium" in this Regulation shall be taken to mean the charge for any risk not provided for in the minimum contract premium. If policies are issued in or for any country at rates of

premium deducted from tables other than the European mortality tables adopted by the company, separate schedules similar in form to the above must be furnished.

NOTE. 2.—Separate returns and valuation results must be furnished in respect of classes of policies valued by different tables of mortality, or at different rates of interest, also for business at other than European rates.

NOTE. 3.—In cases also where separate valuations of any portion of the business are required under local laws in places outside British India, a summary statement must be furnished in respect of the business so valued in each such place showing the total number of policies, the total sums assured and bonuses, the total office yearly premiums and the total net liability on the bases as to mortality and interest adopted in each such place, with statement as to such bases respectively.

(Form referred to under Heading No. 7, in Fourth Schedule.)

Valuation Balance sheet of ....as at..............

DR.	Rs.	CR.	Rs.
To net liability under life assurance and annuity transactions (as per summary statement provided in Fourth Schedule)		By life assurance and annuity funds (as per balance sheet under Third Schedule)	
To surplus, if any		By deficiency, if any ...	
	———		———
	———		———

THE FIFTH SCHEDULE.

(See Section 10.)

STATEMENT OF THE LIFE ASSURANCE AND ANNUITY BUSINESS OF THE......ON THE........, TO BE SIGNED BY THE ACTUARY.

(The answers should be numbered to accord with the numbers of the corresponding questions. Statements of re-assurances corresponding to the statements in respect of assurances are to be given throughout). Separate statements are to be furnished in the replies to all the headings under this Schedule for business at other than European rates.

1. The published table or tables of premiums for the assurances for the whole term of life and for endowment assurances which are in use at the date above mentioned.

2. The total amount assured on lives for the whole term of life which are in existence at the date above mentioned, distinguishing the portions assured with immediate profits, with deferred profits and without profits, stating separately the total reversionary bonuses and specifying the sum assured for each year of life from the youngest to the oldest ages, the basis of division as to immediate and deferred profits being stated.

3. The amount of premiums receivable annually for each year of life after deducting the abatements made by the application of the bonuses in respect of the respective assurances mentioned under Heading No. 2 distinguishing ordinary from extra premiums. A separate statement is to be given of premiums payable for a limited number of years, classified according to the number of years' payments remaining to be made.

4. The total amount assured under endowment assurances, specifying sums assured and office premiums separately in respect of each year in which such assurances will mature for payment. The reversionary bonuses must also be separately specified, and the sums assured with immediate profits, with deferred profits, and without profits separately returned.

5. The total amount assured under classes of assurance business, other than assurances dealt with under questions 2 and 4, distinguishing the sums assured under each class and stating separately the amounts assured with immediate profits, with deferred profits, and without profits, and the total amount of reversionary bonuses.

6. The amount of premiums receivable annually in respect of each such special class of assurances mentioned under Heading No. 5, distinguishing ordinary from extra premiums.

7. The total amount of premiums which has been received from the commencement upon pure endowment policies which are in force at the date above-mentioned.

8. The total amount of immediate annuities on lives, distinguishing the amounts for each year of life, and distinguishing male and female lives.

9. The amount of all annuities on lives other than those specified under Heading No. 8, distinguishing the amount of annuities payable under each class, and the amount of premiums annually receivable.

10. The average rate of interest yielded by the assets, whether invested or uninvested, constituting the life assurance fund of the company calculated upon the mean fund of each year during the period since the last investigation without deduction of income tax.

It must be stated whether or not the mean fund upon which the average rate of interest is calculated includes reversionary investments.

11. A table of minimum values, if any, allowed for the surrender of policies for the whole term of life and for endowments and endowment assurances, or a statement of the method pursued in calculating such surrender values with instances of the application of such method to policies of different standing and taken out at various interval ages from the youngest to the oldest.

THE SIXTH SCHEDULE.

(*See Sections 24 and 25*).

RULES FOR VALUING ANNUITIES, LIFE POLICIES AND LIABILITIES.

Rule for valuing an annuity.

An annuity shall be valued according to the tables used by the company which granted such annuity at the time of granting the same, and, where such tables cannot be ascertained or adopted to the satisfaction of the Court, then according to such rate of interest and table of mortality as the Court may direct.

Rule for valuing a policy.

The value of the policy is to be the difference between the present value of the reversion in the sum assured according to the contingency upon which it is payable, including any bonus or addition thereto made before the commencement of the winding-up and the present value of the future annual premiums.

In calculating such present values interest is to be assumed at such rate and the rate of mortality according to such tables, as the Court may direct.

The premium to be calculated is to be such premium as according to said rate of interest and rate of mortality is sufficient to provide for the risk incurred by the office in issuing the policy, exclusive of any addition thereto for office expenses and other charges.

Rule for valuing liability.

The liquidator, in the case of all persons appearing by the books of the company to be entitled to or interested in policies granted by such company, is to ascertain the value of the liability of the company to each such person, and give notice of such value to such persons in such manner as the Court may direct, and any person to whom notice is so given shall be bound by the value so ascertained unless he gives notice of his intention to dispute such value in manner and within a time to be prescribed by a rule or order of the Court.

Annexure V.

THE TRAVANCORE IDENTIFICATION OF PRISONERS BILL.

A Regulation to authorise the taking of measurements and photographs of convicts and others.

Whereas it is expedient to authorise the taking of measurements and photographs of convicts and others ; It is hereby enacted as follows :—

Short title and extent. 1, (1) This Regulation may be called the Travancore Identification of Prisoners Regulation ;

(2) It shall come into force at once ; and

(3) It shall extent to the whole of Travancore.

Definitions. 2. In this Regulation, unless there is anything repugnant in the subject or content,—

(a) "measurement" includes finger impressions and foot-print impressions ;

(b) "police officer" means an officer in charge of a police station, a police officer making an investigation under Chapter XIV of the code of Criminal Procedure, or any other police officer not below the rank of Sub-Inspector ; and

(c) "prescribed" means by the rules made under this Regulation.

Taking of measurements, etc., of non-convicted persons. 3. Every person who has been—

(a) convicted of any offence punishable with rigorous imprisonment for a term of one year or upwards, or of any offence which would render him liable to enhanced punishment on a subsequent conviction ; or

(b) ordered to give security for his good behaviour under Section 101 of the Code of Criminal Procedure, shall ,if so reduired, allow his measurements and photograph to be taken by a police officer in the prescribed manner.

Taking of measurements etc, of non-convicted persons. 4. Any person who has been arrested in connection with an offence punishable with rigorous imprisonment for a term of one year or upwards shall, if so required by a police officer, allow his measurements to be taken in the prescribed manner.

Power of Magistrate to order a person to be measured or photographed. 5. If a Magistrate is satisfied that, for the purposes of any investigation or proceeding under the Code of Criminal Procedure, it is expedient to direct any person to allow his measurements or photograph to be taken, he may make an order to that effect, and in that case the person to whom the order relates shall be produced or shall attend at the time and place specified in the order or shall allow his measurements or photograph to be taken, as the case may be, by a police officer.

Provided that no order shall be made directing any person to be photographed except by a Magistrate of the First Class :

Provided, further, that no order shall be made under this Section unless the person has at some time been arrested in connection with such investigation or proceeding.

6. (1) If any person who under this Regulation is required to allow his measurements or photograph to be taken resists or refuses to allow the taking of the same, it shall be lawful to use all means necessary to secure the taking thereof.

Resistance to the taking of measurements etc.

(2) Resistance to or refusal to allow the taking of measurements or photographs under this Regulation shall be deemed to be an offence under Section 179 of the Travancore Penal Code.

7. Where any person who, not having been previously convicted of an offences punishable with rigorous imprisonment for a term of one year or upwards had had his measurements taken or has been photographed in accordance with the provisions of this Regulation, is released without trial or discharged or acquitted by any Court, all measurements and all photographs (both negatives and copies) so taken shall, unless the Court or (in a case where such person is released without trial) the District Magistrate for reasons to be recorded in writing or otherwise directs, be destroyed or made over to him.

Destruction of photographs and records of measurements, etc., on acquital.

8. (1) Our Government may make rules for the purpose of carrying into effect the provisions of this Regulation.

Power to make rules

(2) In particular and without prejudice to the generality of the foregoing provision such rules may provide for—

(a) restrictions on the taking of photographs of persons under Section 5 ;

(b) the place at which measurements and photographs may be taken ;

(c) the nature of the measurements that may be taken ;

(d) the method in which any class or classes of measurements shall be taken ;

(e) the dress to be worn by a person when being photographed under Section 3 ; and

(f) the preservation, safe custody, destruction and disposal of records of measurements and photographs ;

9. No suit or other proceeding shall lie against any person for anything done, or intended to be done, in good faith under thier Regulation or under any rule made thereunder.

Bar of suits.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to provide legal authority for the taking of photographs, finger impressions, foot-prints and measurements of persons convicted of, or arrested in connection with, certain offences. The value of the scientific use of finger impressions and photographs as agents in the detection of crime and the identification of criminals is well known ; and the value, for the same purpose, of anthropometric measuremtnts has also been recognised. The existing system by which the Police take finger impressions photographs, etc., of criminals and suspected criminals is void of legal sanction ; and, it has been brought to the notice of Government that the Police are handicaped thereby. This Bill is accordingly proposed, and it is drawn on the lines of the British Indian Statute on the subject, namely, the Identification of Prisoners Act, 1920 (Act XXXIII of 1920),

Annexure VI.

THE TRAVANCORE BAR COUNCIL BILL.

A Bill to provide for the constitution of a Bar Council in Travancore and for other purposes.

Whereas it is expedient to provide for the constitution and incorporation of a Bar Council in Travancore, to confer powers and impose duties on the Bar Council and to amend the Vakil's Regulation, 1075 and the Travancore Stamp Regulation for certain purposes; It is hereby enacted as follows :—

PRELIMINARY.

Short title, extent, application and Commencement.

1. (i) This Regulation may be called the Travancore Bar Council Regulation.

(ii) It extends to the whole of Travancore

(iii) This Section and Sections 2, 17, 18 and 20 shall come into force on..................and Our Government may, by notification in Our Government Gazette, direct that the other provisions of this Regulation, or any provision thereof specified in the notification, shall come into force on such date thereafter as Our Government may by notification appoint.

Interpretation.

2. In this Regulation unless there is anything repugnant in the subject or context, —

"Advocate" means an advocate entered in the roll of advocates under the provisions of this Regulation.

(b) "Advocate-General" means any Law Officer of Our Government or any advocate declared by Our Government to be Advocate-General for the purposes of this Regulation.

(c) "Council" means the Travancore Bar Council constituted under the provisions of this Regulation.

(d) "High Court" means a Full Bench of the High Court.

(e) "Prescribed" means prescribed by rules made under this Regulation.

(f) "Tout" means a person who procures the employment in any legal business of any legal practitioner in consideration of any remuneration moving from such practitioner, or proposes to a legal practitioner to procure his employments in a legal business in consideration of such remuneration.

CONSTITUTION OF BAR COUNCIL.

Constitution and incorporation of Bar Council

3. (1) A Bar Council shall be constituted for Travancore in the manner hereinafter provided.

(2) The Bar Council so constituted shall be a body corporate having perpetual succession and a common seal with power to acquire and hold property, both movable and immovable, and to contract, and shall by the name of the Travancore Bar Council sue and be sued.

Composition of the Bar Council.

4. (1) The Council shall consist of fifteen members of whom—

(a) One shall be the Advocate-General ;

(b) Four shall be persons nominated by the High Court, of whom not more than two may be judges of that Court; and

(c) Ten members shall be elected by the advocates from amongst their number.

(2) Of the elected members of the Council not less than five shall be persons who have, for not less than ten years, been entitled as of right to practise in the High Court.

(3) There shall be a Chairman of the Council nominated by Our Government and a Vice-Chairman elected by the Council in such manner as may be prescribed:

Provided that Our Government may at any time direct that the Chairman also may be elected by the Council in such manner as may be prescribed.

Special provisions regarding constitution of first Bar Council.

5. (1) Notwithstanding anything contained in clause (c) of sub-section (1) of Section 4, the elected members of the first Council shall be elected by and from amongst those who are on the date of the election entitled as of right to practise in the High Court.

(2) The term of office of the nominated and elected members of the first Council shall be three years from the date of the first meeting of the Council.

Powers to make rules regarding constitution and procedure of the Bar Council.

6. (1) Rules, consistent with this Regulation may be made to provide for the following matters, namely:—

(a) the manner in which elections of member of the Council shall be held; the method of determining, in accordance with the provisions of sub-section (2) of Section 4, the candidate who shall be declared to have been elected; the manner in which the result of the elections shall be published; and the manner in which and the authority by which doubts and disputes as to the validity of an election shall be finally decided;

(b) the terms of office of nominated and elected members of the Council;

(c) the filling of casual vacancies in the Council;

(d) the convening of meetings of the Council, and the quorum necessary for the transaction of business thereat;

(e) the manner of election and the respective terms of office of the Chairman and Vice-Chairman; and

(f) any matter incidental or ancilliary to any of the foregoing matters.

(2) The first rules under this Section shall be made by the High Court, but the Council may thereafter, with the previous sanction of the High Court, and to, amend or rescind any rules so made

(3) No election of a member or members to the Council shall be called in question, on the ground that due notice thereof has not been given to any person entitled to vote thereat, if notice of the date fixed for election has, not less than thirty days before that date, been published in Our Government Gazette.

(4) Rules made under clause (b) of sub-section (1) may provide for the retirement of members from office by rotation and for the manner in which the order of such retirement shall be determined.

Power of Bar Council to make bye-laws.

7. The Council may make bye-laws, consistent with this Regulation and any rules made thereunder, to provide for any of the following matters, namely:—

(a) The appointment of such ministerial officers and servants as the Council may deem necessary, and the pay and allowances and other conditions of service of such officers and servants; and

(b) The appointment and constitution of Committees of the Council, the procedure of such Committees, and the determination of the powers or duties of the Council, which may be delegated to such Committees.

ADMISSION AND ENROLMENT OF ADVOCATES.

Enrolment of Advocates.

8. (1) No person shall be entitled as of right to practise in the High Court or in any of the Courts subordinate thereto unless his name is entered in the roll of advocates maintained under this Regulation:

Provided that those who are enrolled before this Regulation comes into force as Vakils of any Court subordinate to the High Court but are not elegible for enrolment as advocates shall be entitled to practise as Vakil so long as their enrolment remains in force:

Provided also that nothing in this Regulation shall be deemed to take away the power of a Criminal Court to permit any person to appear and plead in any Criminal case before that Court under the provisions of the Code of Criminal Procedure.

(2) The High Court shall prepare and maintain a roll of advocates in which shall be entered the names of—

(a) all persons who were entitled as of right to practise in the High Court immediately before the date on which this Regulation comes into force; and

(b) all other persons who are admitted as advocates under this Regulation:

Provided that such persons shall have paid in respect of enrolment the stamp duty, if any, chargeable under the Travancore Stamp Regulation, IV of 1080, and a fee payable to the Council, which shall be Rs. 10 in the case of persons referred to in clause (a), and in other cases such amount as may be prescribed from time to time by Our Government by notification in Our Government Gazette.

(3) The High Court shall issue a certificate of enrolment to every person enrolled under this Section.

(4) The High Court shall send to the Council a copy of the roll as prepared under the Section, and shall thereafter communicate to the Council all alterations in, and additions to, the roll as soon as the same have been made.

(5) The Council shall enter in the copy of the roll all alterations and additions so communicated to it.

Qualifications and admission of advocates.

9. (1) The Council may, with the previous sanction of the High Court, make rules to regulate the admission of persons as advocates.

Provided that such rules shall not limit, or in any way affect the powers of the High Court to refuse admission to any person at its discretion.

(2) in particular and without prejudice to the generality of the foregoing power, such rules shall provide for the following matters, namely:—

(a) the qualification to be pssessed by persons applying for admission as advocates;

(*b*) the form and the manner in which applications shall be made to the High Court for admission;

(*c*) the giving of notice by the High Court to the Council of all such applications;

(*d*) the hearing by the High Court of any objection preferred on behalf of the Council to the admission of any applicant; and

(*e*) the charging of fees payable to the Council in respect of enrolment.

MISCONDUCT.

10. (1) The High Court may, in the manner hereinafter provided, reprimand, suspend or remove from practice any advocate whom it finds guilty of professional or other misconduct.

Punishment of Advocate for misconduct.

(2) Upon receipt of a complaint made to it by any Court or by the Council or by any other person that any advocate has been guilty of misconduct, the High Court shall, if it does not summarily reject the complaint, refer the case for enquiry either to the Council or, after consultation with the Council, to the Court of a District Judge (hereinafter referred to as the District Court) and may of its own motion so refer any case in which it has otherwise reason to believe that any advocate has been so guilty.

11. (1) Where any case is referred for enquiry to the Council under Section 10, the case shall be enquired into by a Committee of the Council (hereinafter referred to as the Tribunal).

Tribunal of the Bar Council.

(2) The Tribunal shall consist of not less than three and not more than five members of the Council appointed for the purpose of the enquiry by the Chief Justice of the High Court and one of the members so appointed shall be appointed to be the President of the Tribunal.

12. (1) The High Court shall make rules to prescribe the procedure to be followed by the Tribunal and by District Courts respectively in the conduct of enquiries referred under Section 10.

Procedure in enquiries.

(2) The finding of the Tribunal on an enquiry referred to the Council under Section 10 shall be forwarded to the High Court through the Council and the finding of a District Court on such an enquiry shall be forwarded direct to the High Court which shall cause a copy thereof to be sent to the Council,

(3) On receipt of the finding, the High Court shall fix a date for the hearing of the case and shall cause notice of the day so fixed to be given to the advocate concerned and to the Council and to the Advocate-General and shall afford the Advocate concerned and the Council and the Advocate-General an opportunity of being heard before orders are passed in the case.

(4) The High Court may thereafter either pass such final orders in the case as it thinks fit or refer it back for further enquiry to the Tribunal through the Council or to the District Court, as the case may be, and upon receipt of the finding after such further enquiry deal with the case in the manner provided in sub-section (3) and pass final orders thereon.

(5) In passing final orders, the High Court may pass such order as regards the payment of the costs of the enquiry and of the hearing in the High Court as it thinks fit.

(6) The High Court may, of its own motion or on application made to it in this behalf, review any order passed under sub-section (4) or sub-section (5) and maintain, vary or rescind the same as it thinks fit.

(7) When any advocate is reprimanded or suspended under this Regulation, a record of the punishment shall be entered against his name in the roll of advocates ; and when an advocate is removed from practice, his name shall forthwith be struck off the roll ; and the certificate of any advocate so suspended or removed shall be recalled.

Powers of the Tribunal and Courts in enquiries.

13. (1) For the purposes of any such enquiry as aforesaid, the Tribunal or District Court shall have the same powers as are vested in a Court under the Code of Civil Procedure, 1100, in respect of the following matters, namely :—

(a) enforcing the attendance of any person and examining him upon oath ;

(b) compelling the production of documents ; and

(c) issuing commissions for the examination of witnesses :

Provided that the Tribunal shall not have power to require the attendance of the presiding officer of any Court save with the previous sanction of the High Court.

(2) Every such enquiry shall be deemed to be a judicial proceeding within the meaning of Sections 187 and 226 of the Travancore Penal Code and the Tribunal shall be deemed to be a Civil Court for the purpose of Sections 359, 361 and 363 of the Code of Criminal Pocedure."

(3) For the purpose of enforcing the attendance of any person and examining him upon oath or of compelling the production of documents or of issuing commissions, the Tribunal may send to any Civil Court any summons or other process for the attendance of a witness or the production of a document required by the Tribunal or any commission which it desires to issue, and the Civil Court shall serve such process or issue such commission as the case may be, and may enforce any such process as if it were a process for attendance or production before itself.

(4) In any such inquiry before a Tribunal or a District Court no witness shall be excused from answering any question as to any matter relevant to the matter in issue upon the ground that the answers to such questions will incriminate or may tend directly or indirectly to incriminate such witness or that it will expose, or tend directly or indirectly to expose, such witness to a penalty or forfeiture of any kind :

Provided that no such answer which a witness is complled to give shall subject him to any arrest or prosecution or be proved against him in any criminal proceeding except a prosecution for giving false evidence by such answer.

MISCELLANEOUS.

Right of advocates to practise.

14. (1) An advocate shall be entitled as of right, to practise —

(a) in the High Court and the Courts subordinate thereto ; and

(b) save as otherwise provided under any other law for the time being in force before any other tribunal or person legally authorised to take evidence ; and

(c) before any other authority or person before whom such advocate is by or under the law for the time being in force entitled to practise.

(2) Notwithstanding anything in this Regulation or the rules made thereunder any person, whether holding a permanent appointment or not under Government, who may be appointed under the orders of Government to be or to act as, or to be in charge of the office of, any Sirkar Vakil, shall, so long as he holds that office, be deemed to be an advocate.

Explanation.—The term "Sirkar Vakil" includes Head Sirkar Vakil, Additional Head Sirkar Vakil, and all classes of Sirkar Vakils.

General power of the Bar Council to make rules.

15. (1) The Council may, with the previous sanction of the High Court make rules consistent with this Regulation to provide fo and regulate any of the following matters, namely :—

(*a*) the right and duties of the advocates and their discipline and professional conduct ;

(*b*) The conditions subject to which advocates or practitioners of the High Courts or Chief Courts of other States or Provinces may be permitted to practise in the High Court and the Courts subordinate thereto ;

(*c*) the giving of facilities for legal education and training and the holding and conduct of examinations by the Council ;

(*d*) the charging of fees payable to the Council in respect of the enjoyment of educational facilities provided or of the right to appear at examinations held by the Council ; and

(*e*) the investment and management of the funds of the Council ; and

(*f*) any other matter in respect of which the High Court may riquire rules to be made under this Section.

Power to fix fees payable as costs.

16. The High Court shall, after consulting the Council, make rules for fixing and regulating by taxation or otherwise.—

(*a*) the fees payable as costs by any party in respect of the fees of his adversary's advocate; and

(*b*) the fees payable to his own advocate in the High Court or in any Court subordinate thereto.

Indeminity against legal proceedings.

17. No suit or other legal proceeding shall lie against the Council or any Committee, or Tribunal or member of the Council for any act in good faith done or intended to be done in pursuance of the provisions of this Regulation or any rule made thereunder,

Publication of rules.

18. All rules made under this Regulation shall be published in Our Government Gazette.

Power to frame and publish lists of touts.

19. (I) The High Court, every District Judge, Sessions Judge and District Magistrate, each as regards their or his Court and the Courts, if any, subordinate thereto, may frame and publish lists of persons proved, to their or his satisfaction by evidence of general repute or otherwise, to act habitually as touts and may from time to time alter and amend such lists.

(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

(3) A copy of every such list shall be kept hung up in every Court to which the same relates.

(4) The Court or Judge may, by general or special order, exclude from the precincts of the Court any person whose name is included in any such list.

Amendment of enactments.

20. (1) When Sections 8 to 16 come into force, the enactments mentioned in first column of the Schedule shall be amended to the extent and in the manner specified in the second column of the Schedule.

(2) When this Regulation comes into force, any provision of any other enactment or any order, scheme, rule, form or bye-law made thereunder, which was before that date applicable to persons entitled to practise in the High Court shall, unless such a construction is repugnant to the context or to any provisions made by or under this Regulation, be construed as applying to the advocates enrolled under this Regulation.

THE SCHEDULE.

AMENDMENT OF ENACTMENTS.

Enactments amended or repealed.	*Extent and manner of amendment or repealment.*
1. The Vakil's Regulation, 1075. (Regulation III of 1075.)	(1) In Section 4, clauses (*a*) and (*b*) shall be deleted. (2) Sections 5 and 6 shall be deleted (3) In Section 9, the proviso shall be deleted. (4) Section 12 shall be deleted. (5) In Section 14, the proviso shall be deleted. (6) In Section 15, the words "in the High Court and" occurring after the word "proceeding" shall be deleted. (7) The following shall be added as a new Section at the end :- "32. Nothing in this Regulation shall be deemed to apply to advocates within the meaning of the Travancore Bar Councils Regulation."
The Travancore Stamp Regulation (Regulation IV of 1080.)	(1) In the Schedule, Article 30. (i) for the words "entry as a Vakil on the Roll of the High Court, District Court, Munsiff's Court or Magistrate's Court", occurring in the first column, the word "Enrolment" shall be substituted. (ii) for the words "High Court" occurring in clause (*a*) in the first column, the words "As advocates under the Travancore Bar Councils Regulation" shall be substituted; and (iii) clauses (*b*), (*c*), (*d*) and (*e*) (both the columns) shall be deleted.

STATEMENT OF OBJECTS AND REASONS.

Amongst the recommendations of the Law's Delays Commissioner is the introduction of a measure on the lines of the Indian Bar Councils Act. (See his recommendation No. 205). He suggests that with a view to convert the members of the legal profession in Travancore into an autonomous body with

powers to control and regulate their conduct and to look after the interests of the profession generally the enactment of a law on the lines of the Indian Bar Councils Act would be desirable. The High Court has agreed with the recommendation of the Law's Delays Commissioner. This Bill is accordingly proposed, and it is drawn generally on the lines of the Indian Act.

NOTES ON IMPORTANT CLAUSES.

1. *Clauses 3 to 6* : These clauses provide for the constitution and incorporation of a Bar Council for Travancore. It is to consist of 15 members. One of the members will be the Advocate-General, four will be nominated by the High Court, and ten will be elected.

2. *Clause 8* : It is proposed in this clause that, in future, only one class of lawyers, called advocates, shall function in the High Court and the Courts subordinate thereto. At the same time, vested rights are not proposed to be interfered with, and persons already enrolled as pleaders will remain as such so long as their enrolment remains in force.

3. *Clause 9* : This clause provides for rules being made by the Bar Council with the sanction of the High Court to regulate the admission of advocates and to lay down the qualifications for admission as advocates.

4. *Clauses 10 to 13* : These clauses provide for the disciplinary control of advocates. It is vested in the High Court. Provision is however made for enquiries being made through the Bar Council or a District Court and for hearing the Bar Council before final orders are passed.

5. *Clause 14* : This clause provides for the right of advocates to practise in all the Courts. It also provides the right of any person appointed as Sirkar Vakil to apper and plead in Courts.

6. *Clause 15* : This clause lays down the matters in respect of which the Bar Council may make rules.

7. *Clause 16* : This clause provides for the fixing of fees payable to advocates.

8. *Clause 19* : This clause empowers Courts to declare persons as "touts".

KAYALAM PARAMESVARAN PILLAI.

Annexure VII.

THE TRAVANCORE WORKMEN'S COMPENSATION BILL.

A Regulation to provide for the payment by certain classes of employers to their workmen of compensation for injury by accident.

Preamble.

Whereas it is expedient to provide for the payment by certain classes of employers to their workmen of compensation for injury by accident; it is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (1) This Regulation may be called the Travancore Workmen's Compensation Regulation.

(2) It extends to the whole of Travancore.

(3) It shall come into force on.........

Definitions.

(1) In this Regulation, unless there is anything repugnant in the subject or context,—

(*a*) "adult" and "minor" mean respectively a person who is not and a person who is under the age of fifteen years;

(*b*) "Commissioner" means a Commissioner for Workmen's Compensation appointed under Section 23;

(*c*) "compensation" means compensation as provided for by this Regulation;

(*d*) "dependant" means any of the following relatives of a deceased workman, namely:—

(i) a wife, a minor legitimate son, and unmarried legitimate daughter, or a widowed mother; and

(ii) if wholly or in part dependant on the earnings of the workman at the time of his death, a husband, a parent other than a widowed mother, a minor illegitimate son, an unmarried illegitimate daughter, a daughter legitimate or illegitimate if married and a minor or if widowed, a minor brother, an unmarried or widowed sister, a widowed daughter-in-law, a minor child of a deceased son, or where no parent of the workman is alive, a maternal grand-parent or a paternal grand-parent;

(*e*) "employer" includes any body of persons whether incorporated or not and any managing agent of an employer and the legal representative of a deceased employer, and, when the services of a workman are temporarily lent or lent on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, means such other person while the workman is working for him;

(*f*) "managing agent" means any person appointed or acting as the representative of another person for the purpose of carrying on such other person's trade or business but does not include an individual manager subordinate to an employer;

(*g*) "partial disablement" means, where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the disablement, and, where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every

employment which he was capable of undertaking at the time: provided that every injury specified in Schedule I shall be deemed to result in permanent partial disablement;

(*h*) "prescribed" means prescribed by rules made under this Regulation;

(*i*) "qualified medical practitioner" means any person possessing the qualifications prescribed in that behalf or any person declared by Our Government, by notification in Our Government Gazette, to be a qualified medical practitioner for the purposes of this Regulation.

(*j*) "railway" means a railway declared to be such by Our Government, and "railway servant" means a railway servant so prescribed.

(*k*) "seaman" means any person forming part of the crew of any ship, but does not include the master of the ship;

(*l*) "total disablement" means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement; provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in Schedule I where the aggregate percentage of the loss of earning capacity, as specified in that Schedule against those injuries, amounts to one hundred per cent;

(*m*) "wages" includes any privilege or benefit which is capable of being estimated in money, other than a travelling allowance or the value of any travelling concession or a contribution paid by the employer of a workman towards any pension or provident fund or a sum paid to a workman to cover any special expenses entailed on him by the nature of his employment;

(*n*) "workman" means any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business) who is—

(i) a railway servant not employed in any such capacity as is specified in Schedule II, or

(ii) employed on monthly wages not exceeding three hundred rupees, in any such capacity as is specified in Schedule II,

whether the contract of employment was made before or after the passing of this Regulation and whether such contract is expressed or implied, oral, or in writing; but does not include any person working in the capacity of a member of Our military forces; and any reference to a workman who has been injured shall, where the workman is dead, include a reference to his dependants or any of them.

(2) The exercise and performance of the powers and duties of a local authority or of any department of Our Government shall, for the purposes of this Regulation, unless a contrary intention appears, be deemed to be the trade or business of such authority or department.

(3) Our Government after giving, by notification in Our Government Gazette, not less than three months' notice of their intention so to do, may, by a like notification, add to Schedule II any class of persons employed in any occupation which they are satisfied is a hazardous occupation, and the provisions of this Regulation shall thereupon apply to such classes of persons;

Provided that in making such addition Our Government may direct that the provisions of this Regulation shall apply to such classes of persons in respect of specified injuries only.

CHAPTER II.

Workmen's Compensation.

3. (1) If personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this Chapter :

Employer's liability for compensation.

Provided that the employer shall not be so liable—

(a) in respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding seven days ;

(b) in respect of any injury not resulting in death, caused by an accident which is directly attributable to—

(i) the workman having been at the time thereof under the influence of drink or drugs, or

(ii) the wilful disobedience of the workman to an order expressly given, or, to a rule expressly framed, for the purpose of securing the safety of workman, or

(iii) the wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workman ;

(2) If a workmam employed in any employment involving the handling of wool, hair bristles, or animal carcasses, on parts of such carcasses or in the loading, unloading or transport of any merchandise or in any work in connection with animals infected with anthrax contracts the disease of anthrax, or if a workman whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months in any employment specified in Schedule II, contracts any disease specified therein as an occupational disease peculiar to that employment, the contracting of the disease shall be deemed to be an injury by accident within the meaning of this Section and, unless the employer proves the contrary, the accident shall be deemed to have arisen out of and in the course of the employment.

Explanation.—For the purpose of this sub-section a period of service shall be deemed to be continuous which has not included a perid of service under any other employer.

(3) Our Government, after giving, by notification in Our Government Gazette, not less than three months' notice of their intention so to do, may, by a like notification, add any description of employment to the employments specified in Schedule III, and shall specify in the case of the employments so added the disease which shall be deemed for the purposes of this Section to be occupational diseases peculiar to those employments respectively, and the provisions of sub-section (2) shall thereupon apply as if such disease had been declared by this Regulation to be occupational diseases peculiar to those employments.

(4) Save as provided by sub-section (2) and (3) no compensation shall be payable to a workman in respect of any disease unless the disease is directly attributable to a specific injury by accident arising out of and in the course of his employment.

(5) Nothing herein contained shall be deemed to confer any right to compensation on a workman in respect of any injury if he has instituted in a

Civil Court a suit for damages in respect of the injury against the employer or any other person; and no suit for damages shall be maintainable by a workman in any Court of law in respect of any injury—

(a) if he has instituted a claim to compensation in respect of the injury before a Commissioner; or

(b) If an agreement has been come to between the workman and his employer providing for the payment of compensation in respect of the injury in accordance with the provisions of this Regulation.

4. (1) Subject to the provisions of this Regulation, the amount of compensation shall be as follows namely :—

Amount of compensation.

A. Where death results from the injury—

(i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of schedule IV—the amounts shown against such limits in the second column thereof, and

(ii) in the case of a minor—two hundred rupees ;

B. Where permanent total disablement results from the injury—

(i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—the amount shown against such limits in the third column thereof, and

(ii) in the case of a minor—twelve hundred rupees ;

C. Where permanent partial disablement results from the injury—

(i) in the case of an injury specified in Schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and

(ii) in the case of an injury not specified in Schedule I, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury.

Explanation.—Where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries ;

D. Where temporary disablement, whether total or partial, results from the injury, a half-monthly payment payable on the sixteenth day after the expiry of a waiting period of seven days from the date of the disablement, and thereafter half-monthly during the disablement or during a period of five years, whichever period is shorter,—

(i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—of the sum shown against such limits in the fourth column thereof, and

(ii) in the case of a minor—of one-half of his monthly wages, subject to a maximum of thiry rupees :

Provided that—

(a) There shall be deducted from any lump sum or half-monthly payments to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of

compensation during the period of disablement prior to the receipt of such lump sum or of the first half-monthly payment, as the case may be: and

(b) no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages which he is earning, after the accident.

(2) On the ceasing of the disablement before the date on which any half monthly payment falls due there shall be payable in respect of that half-month a sum proportionate to the duration of the disablement in that half-month.

Method of calculating wages.

5. For the purposes of this Regulation the monthly wages of a workman shall be calculated as follows, namely:

(a) where the workman has, during a continuous period of not less than twelve months immediately preceding the accident, been in the service of the employer who is liable to pay compensation, the monthly wages of the workman shall be one-twelfth of the total wages which have fallen due for payment to him by the employer in the last twelve months of that period;

(b) where the whole of the continuous period of service immediately preceding the accident during which the workman was in the service of the employer who is liable to pay the compensation was less than one month, the monthly wages of the workmen shall be deemed to be the average monthly amount which, during the twelve months immediately preceding the accident, was being earned by a workman, employed on the same work by the same employer, or if there was no workman so employed, by a workman employed on similar work in the same locality;

(c) in other cases, the monthly wages shall be thirty times the total wages earned in respect of the last continuous period of service immediately preceding the accident from the employer who is liable to pay compensation, divided by the number of days comprising such period.

Explanation.—A period of service shall, for the purposes of this sub-section, be deemed to be continuous which has not been interrupted by a period of absence from work exceeding fourteen days.

Review.

6. (1) Any half-monthly payment payable under this Regulation, either under an agreement between the parties or under the order of a Commissioner, may be reviewed by the Commissioner on the application either of the employer or of the workman accompanied by the certificate of a qualified medical practioner that there has been a change in the condition of the workman or, subject to rules made under this Regulation, on application made without such certificate.

(2) Any half-monthly payment may, on review under this Section, subject to the provisions of this Regulation, be continued, increased, decreased or ended, or if the accident is found to have resulted in permanent disablement, be converted to the lump sum to which the workman is entitled less any amount which he has already received by way of half-monthly payments.

Commutation of half-monthly payments.

7. Any right to receive half-monthly payments may, by agreement between the parties or, if the parties cannot agree and the payments have been continued for not less than six months on the application of either party to the Commissioner, be redeemed by the payment of a lump sum of such amount as may be agreed to by the parties or determined by the Commissioner, as the case may be.

8. (1) No payment of compensation in respect of a workman whose injury has resulted in death, and no payment of a lump sum as compensation to a woman or a person under a legal disability, shall be made otherwise than by deposit with the Commissioner, and no such payment made directly by an employer shall be deemed to be a payment of compensation :

Distribution of compensation.

Provided that, in the case of a deceased workman, an employer may make to any dependant advances on account of compensation not exceeding an aggregate of one hundred rupees, and so much of such aggregate as does not exceed the compensation payable to that dependant shall be deducted by the Commissioner from such compensation and repaid to the employer.

(2) Any other sum amounting to not less than ten rupees which is payable as compensation may be deposited with the Commissioner on behalf of the person entitled thereto.—

(3) The receipt of the Commissioner shall be a sufficient discharge in respect of any compensation deposited with him.

(4) On the deposit of any money under sub-section (1) as compensation in respect of a deceased workman the Commissioner shall deduct therefrom the actual cost of the workman's funeral expenses, to an amount not exceeding twenty-five rupees and pay the same to the person by whom such expenses were incurred, and shall if he thinks necessary, cause notice to be published or to be served on each dependant in such manner as he thinks fit, calling upon the dependants to appear before him on such date as he may fix for determining the distribution of compensation. If the Commissioner is satisfied, after any inquiry which he may deem necessary, that no dependant exists, he shall repay the balance of the money to the employer by whom it was paid. The Commissioner shall, on application by the employer, furnish a statement showing in detail all disbursements made.

(5) Compensation deposited in respect of a deceased workman shall, subject to any deduction made under sub-section (4), be apportioned among the dependants of the deceased workman or any of them in such proportion as the Commissioner thinks fit, or may, in the discretion of the Commissioner be allotted to any one dependant.

(6) Where any compensation deposited with Commissioner is payable to any person, the Commissioner shall, if the person, to whom the compensation is payable is not a woman or a person under a legal disability and may, in other cases, pay the money to the person entitled thereto.

(7) Where any lump sum deposited with the Commissioner is payable to a woman or a person under a legal disability, such sum may be invested, applied or othewise dealt with for the benefit of the woman, or of such person during his disability, in such manner as the Commissioner may direct; and where a half-monthly payment is payable to any person under a legal disability, the Commissioner may, of his own motion, or on application, made to him in this behalf, order that the payment be made during the disability to any dependant of the workman or to any other person whom the Commissioner thinks best fitted to provide for the welfare of the workman.

(8) Where, on application made to him in this behalf or otherwise, the Commissioner is satisfied that, on account of neglect of childern on the part of a parent or on account of the variation of the circumstances of any dependant or for any other sufficient cause, an order of the Commissioner as to the distribution of any sum paid as compensation or as to the manner

in which any sum payable to any such dependant is to be invested, applied or otherwise dealt with, ought to be varied, the Commissioner may make such orders for the variation of the former order as he thinks just in the circumstances of the case:—

Provided that no such order prejudicial to any person shall be made unless such person has been given an opprtunity of showing cause why the order should not be made, or shall be made in any case in which it would involve the repayment by a dependant of any sum already paid to him.

(9) Where the Commissioner varies any order under sub-section (8) by reason of the fact that payment of compensation to any person has been obtained by fraud, impersonation or other improper means, any amount so paid to or on behalf of such person may be recovered in the manner hereinafter provided in Section 36

Compensation not to be assigned, attached or charged.

9. Save as provided by this Regulation, no lump sum or half-monthly payment payable under this Regulation shall in any way be capable of being assigned or charged or be liable to attachment or pass to any person other than the workman by operation of law, nor shall any claim be set off against the same.

Notice and claim.

10. (1) No proceedings for the recovery of compensation shall be maintainable before a Commissioner unless notice of the accident has been given, in the manner hereinafter provided, as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured, and unless the claim for compensation with respect to such accident has been instituted within six months of the occurrence of the accident or, in case of death, within six months from the date of death.

Provided that, where the accident is the contracting of a disease in respect of which the provisions of sub-section (2) of section 3 are applicable the accident shall be deemed to have occurred on the first of the days during which the workman was continuously absent from work in consequence of the disablement caused by the disease :

Provided further, that the want of or any defect or irregularity in a notice shall not be a bar to the maintenance of proceedings—

(a) if the claim is made in respect of the death of a workman resulting from an accident which occurred on the premises of the employer, or at any place, where the workman at the time of the accident was working under the control of the employer or of any person employed by him, and the workman died on such premises or at such place, or on any premises belonging to the employer, or died without having left the vicinity of the premises or place where the accident occurred, or

(b) if the employer had knowledge of the accident from any other source at or about the time when it occurred:

Provided, further, that the Commissioner may admit and decide any claim to compensation in any case notwithstanding that the notice has not been given, or the claim has not been instituted, in due time as provided in this sub-section, if he is satisfied that the failure so to give the notice or institute the claim, as the case may be, was due to sufficient cause.

(2) Every such notice shall give the name and address of the person injured and shall state in ordinary language the cause of the injury and the date on which the accident happened and shall be served on the employer

or upon any one of several employers, or upon any person directly responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed.

(3) Our Government may require that any prescribed class of employers shall maintain at their premises at which workmen are employed a notice book in the prescribed form, which shall be readily accessible at all reasonable times to any injured workman employed on the premises and to any person acting *bona fide* on his behalf.

(4) A notice under this Section may be served by delivering it at, or sending it by registered post addressed to, the residence or any office or place of business of the person on whom it is to be served, or, where a notice book is maintained, by entry in the notice book.

Power to require from employers statements regarding fatal accidents.

11. (1) Where a Commissioner receives information from any source that a workman has died as a result of an accident arising out of and in the course of his employment, he may, send by registered post a notice to the workman's employer requiring him to submit, within thirty days of the service of the notice, a statement, in the prescribed form, giving the circumstances attending the death of the workman, and indicating whether, in the opinion of the employer, he is or is not liable to deposit compensation on account of the death.

(2) If the employer is of opinion that he is liable to deposit compensation, he shall make the deposit within thirty days of the service of the notice.

(3) If the employer is of opinion that he is liable to deposit compensation, he shall in his statement indicate the grounds on which he disclaims liability.

(4) Where the employer has so disclaimed liability, the Commissioner, after such enquiry as he may think fit may inform any of the dependants of the deceased workman that it is open to the dependants to prefer a claim for compensation, and may give them such other further information as he may think fit.

Reports of fatal accidents.

12. (1) Where, by any law for the time being in force, notice is required to be given to any authority, by or on behalf of an employer, of any accident occurring on his premises which results in death, the person required to give the notice shall, within seven days of the death, send a report to the Commissioner giving the circumstances attending the deaths.

Provided that where Our Government have so prescribed the person required to give the notice may instead of sending such report to the Commissioner send it to the authority to whom he is required to give the notice.

(2) Our Government may, by notification in Our Government Gazette, extend the provisions of sub-section (1) to any class of premises other than those coming within the scope of that sub-section, and may, by such notification, specify the persons who shall send the report to the Commissioner.

Medical examination.

13. (1) Where a workman has given notice of an accident, he shall, if the employer, before the expiry of three days from the time at which service of the notice has been effected, offers to have him examined free of charge by a qualified medical practitioner, submit himself for such examination, and any workman who is in receipt of a half-monthly payment

under this Regulation, shall, if so required, submit himself for such examination from time to time:

Provided that a workman shall not be required to submit himself for examination by a medical practitioner otherwise than in accordance with rules made under this Regulation or at more frequent intervals than may be prescribed.

(2) If a workman, on being required to do so by the employer under sub-section (1) or by the Commissioner at any time, refuses to submit himself for examination by a qualified medical practitioner or in any way obstructs the same, his right to compensation shall be suspended during the continuance of such refusal or obstruction unless, in the case of refusal, he was prevented by any sufficient cause from so submitting himself.

(3) If a workeman, before the expiry of the period within which he is liable under sub-section (1) to be required to submit himself for medical examination, voluntiarily leaves without having been so examined the vicinity of the place in which he was employed, his right to compensation shall be suspended until he returns and offers himself for such examination.

(4) Where a workman, whose right to compensation has been suspended under sub-section (2) or sub-section (3), dies without having submitted himself for medical examination as required by either of those sub-sections, the Commissioner may, if he thinks fit, direct the payment of compensation to the dependants of the deceased workman.

(5) Where under sub-section (2), or sub-section (3) a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension, and if the period of suspension commences before the expiry of the waiting period referred to in clause *(d)* of sub-section (1) of Section 4, the waiting period shall be increased by the period during which the suspension continues.

(6) Where an injured workman has refused to be attended by a qualified medical practitioner whose services have been offered to him by the employer free of charge or having accepted such offer has deliberately disregarded the instructions of such medical practitioner, then, if it is thereafter proved that the workman has not been regularly attended by a qualified medical practitioner and that such refusal, failure or disregard was unreasonable in the circumstances of the case and that the injury has been aggravated thereby, the injury and resulting disablement shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the workman had been regularly attended by a qualified medical practitioner, and compensation, if any, shall be payable accordingly.

Workmen under contractor.

14. (1) Where any person (hereinafter in this Section referred to as the principal) in the course of or for the purposes of his trade or business contracts with any other person (hereinafter in this Section referred to as the contractor) for the execution by or under the contractor of the whole or any part of any work which is ordinarily part of the trade or business of the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from the principal, this Regulation shall apply as if references to the principal were substituted for references to the employer except that the amount of compensation shall be calculated with reference to the wages of the workman under the employer by whom he is immediately employed.

(2) Where the principal is liable to pay compensation under this Section, he shall be entitled to be indemnified by the contractor or any other person from whom the workman could have recovered compensation and where a contractor who is himself a principal is liable to pay compensation or to indemnify a principal under this Section he shall be entitled to be indemnified by any person standing to him in the relation of a contractor from whom the workman could have recovered compensation and all questions as to the right to and the amount of any such indemnity shall, in default of agreement, be settled by the Commissioner,

(3) Nothing in this Section shall be construed as preventing a workman from recovering conpensation from the contractor instead of the principal.

(4) This Section shall not apply in any case where the accident occurred elsewhere than on, in or about the premises on which the principal has undertaken or usually undertakes, as the case may be, to execute the work or which are otherwise under his control or management.

Remedies of employer against stranger.

15. Where a workman has recovered compensation in respect of any injury caused under circumstances creating a legal liability of some person other than the person by whom the compensation was paid to pay damages in respect thereof, the person by whom the compensation was paid and any person who has been called on to pay an indemnity under Section 14 shall be entitled to be indemnified by the person so liable to pay damages as aforesaid.

Insolvency of employer

16. (1) Where any employer has entered into a contract with any insurers in respect of any liability under this Regulation to any workman, then in the event of the employer becoming insolvent or making a composition or scheme of arrangement with his creditors or, if the employer is a company, in the event of the company having commenced to be wound up, the rights fo the employer against the insurers as respects that liability shall, notwithstanding anything in any law for the time being in force relating to insolvency of the winding up of companies, be transferred to and vest in the workman, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so, however, that the insurers shall not be under any greater liability to the workman than they would have been under to the employer.

(2) If the liability of the insurers to the workman is less than the liability of the employer to the workman, the workman may prove for the balance in the insolvency proceedings or liquidation.

(3) where in any case such as is referred to in sub-section (1) the contract of the employer with the insurers is void or voidable by reason of non-compliance on the part of the employer with any terms or conditions of the contract (other than a stipulation for the payment of premia), the provisions of that sub-section shall apply as if the contract were not void or voidable, and the insurers shall be entitled to prove in the insolvency proceedings or liquidation for the amount paid to the workman:

Provided that the provisions of this sub-section shall not apply in any case in which the workman fails to give notice to the insurers of the happening of the accident and of any resulting disablement as soon as practicable after he becomes aware of the institution of the insolvency or liquidation proceedings.

(4) There shall be deemed to be included among the debts which under Section 62 of the Travancore Insolvency Regulation, 1108, or under Section 232 of the Travancore Companies Regulation, 1092, are in the distribution of the property of an insolvent or in the distribution of the assets of a company being wound up to be paid in priority to all other debts, the amount due in respect of any compensation the liability wherefor accrued before the date of the order of adjudication of the insolvent or the date of the commencement of the winding up, as the case may be, and those Regulations shall have effect accordingly.

(5) Where the compensation is a half-monthly payment, the amount due in respect thereof shall, for the purposes of this Section, be taken to be the amount of the lump sum for which the half-monthly payment could, if redeemable, be reduced if application were made for that purpose under Section 7 and a certificate of the Commissioner as to the amount of such sum shall be conclusive proof thereof.

(6) The provisions of sub-section (4) shall apply in the case of any amount for which an insurer is entitled to prove under sub-section 3 but otherwise those provisions shall not apply where the insolvent or the company being wound up has entered into such a contract with insurers as is referred to in sub-section (1).

(7) This Section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

Special provisions relating to masters and seamen.

17. This Regulation shall apply in the case of workmen who are masters of ships or seamen subject to the following modifications, namely:—

(1) The notice of the accident and the claim for compensation may, except where the person injured is the master of the ship, be served on the master of the ship as if he were the employer, but where the accident happened and the disablement commenced on board the ship, it shall not be necessary for any seamen to give any notice of the accident.

(2) In the case of the death of a master or seaman, the claim for compensation shall be made within six months after the news of the death has been received by the claimant or, where the ship has been or is deemed to have been last with all hands, within eighteen months of the date on which the ship was, or is deemed to have been, so lost.

(3) Where an injured master or seaman is discharged or left behind in any part of the British dominions or in a foreign country, any depositions taken by any Judge or Magistrate in that part or by any Consular Officer in the foreign country and transmitted by the person by whom they are taken to Our Government shall, in any proceedings for enforcing the claim, be admissible in evidence.

(a) if the deposition is authenticated by the signature of the Judge, Magistrate or Consular Officer before whom it is made ;

(b) if the defendant or the person accused, as the case may be, had an opportunity by himself or his agent to cross-examine the witness ; and

(c) if the deposition was made in the course of criminal proceeding on proof that the deposition was made in the presence of the person accused ;

and it shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition and certificate by such person that the defendant or the person accused had an opportunity of cross examining the witness and that the deposition if made in a criminal proceeding was made in the presence of the person accused shall, unless the contrary is proved, be sufficient evidence that he had that opportunity and that it was so made.

(4) In the case of the death of a master or seaman leaving no dependants, the Commissioner shall, if the owner of the ship is under any law in force for the time being relating to merchant shipping liable to pay the expenses of burial of the master or seaman, return to the employer the full amount of the compensation deposited under sub-section (1) of Section 8 without making the deduction referred to in sub-section (4) of that Section.

(5) No half-monthly payment shall be payable in respect of the period during which the owner of the ship is, under any law in force for the time being relating to merchant shipping, liable to defray the expenses of maintenance of the injured master or seaman.

Returns as to compensation.

18. Our Government by notification in Our Government Gazette, direct that every person employing workmen, or that any specified class of such persons, shall send at such time and in such form and to such authority, as may be specified in the notification, a correct return specifying the number of injuries in respect of which compensation, has been paid by the employer during the previous year and the amount of such compensation, together with such other particulars as to the compensation as Our Government may direct.

Contracting out.

19. Any contract or agreement whether made before or after the commencement of this Regulation, whereby a workman relinquishes any right of compensation from the employer for personal injury arising out of or in the course of the employment, shall be null and void in so far as it purports to remove or reduce the liability of any person to pay compensation under this Regulation.

Proof of age.

20. Where any question arises as to the age of a person injured by accident arising out of and in the course of this employment in a factory, a certificate of age granted in respect of such person under the provisions of the law for the time being in force relating to factories, before the occurrence of the injury shall be conclusive proof of the age of such person.

Penalties.

21. (1) Whoever —

(a) fails to maintain a notice-book which he is required to maintain under sub-section (3) of Section 10, or

(b) fails to send to the Commissioner a statement which he is required to send under sub-section (1) of Section 11, or

(c) fails to send report which he is required to send under Section 12, or

(d) fails to make a return which he is required to make under Section 18 shall be punishable with fine which may extend to one hundred rupees.

(2) No prosecution under this Section shall be instituted except by or with the previous sanction of a Commissioner, and no Court shall take cognisance of any offence under this Section, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

CHAPTER III.

Commissioners.

Reference to Commissioners.

22. (1) If any question arises in any proceedings under this Regulation as to the liability of any person to pay compensation (including any question as to whether a person injured is or is not a workman) or as to the amount of duration of compensation including any question as to the nature or extent of disablement), the question shall, in default of agreement, be settled by a Commissioner.

(2) No Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Regulation required to be settled, decided or dealt with by a Commissioner or to enforce any liability incurred under this Regulation.

Appointment of Commissioners.

23. (1) Our Government may, by notification in Our Government Gazette, appoint any person to be a Commissioner for workmen's compensation for such local area as may be specified in the notification.

(2) Where more than one Commissioner has been appointed for any local area, Our Government may, by general or special order, regulate the distribution of business between them.

(3) Any Commissioner may, for the purpose of deciding any matter referred to him for decision under this Regulation, choose one or more persons possessing special knowledge of any matter relevant to the matter under inquiry to assist him in holding the inquiry.

(4) Every Commissioner shall be deemed to be a public servant within the meaning of the Travancore Penal Code.

Venue of proceedings and transfer.

24. (1) Where any matter is under this Regulation to be done by or before a Commissioner, the same shall, subject to the provisions of this Regulation and to any rules made hereunder, be done by or before a Commissioner, for the local area in which the accident took place which resulted in the inquiry:

Provided that, where the workman is the master of a ship or a seaman, any such matter may be done by or before a Commissioner for the local area in which the owner or agent of the ship, resides or carries on business.

(2) If a Commissioner is satisfied by any party to any proceedings under this Regulation pending before him that such matter can be more conveniently dealt with by any other Commissioner, he may subject to rules made under this Regulation, order such matter to be transferred to such other Commissioner either for report or for disposal, and, if he does so, shall forthwith transmit to such other Commissioner all documents relevant for the decision of such matter and, where the matter is transferred for disposal, shall also transmit in the prescribed manner any money remaining in his hands or invested by him for the benefit of any party to the proceedings:

Provided that no matter other than a matter relating to the actual payment to a workman or the distribution among dependants of a lump sum shall be transferred for disposal under this sub-section to a Commissioner save with the previous sanction of Our Government, unless all the parties to the proceedings agree to the transfer.

(3) The Commissioner to whom any matter is so transferred shall, subject to rules made under this Regulation, inquire thereinto and, if the matter was transferred for report, return his report thereon or, if the matter

was transferred for disposal, continue the proceedings as if they had originally commenced before him.

(4) On receipt of a report from a Commissioner to whom any matter has been transferred for report under sub-section (2), the Commissioner by whom it was transferred shall decide the matter referred in conformity with such report.

(5) Our Government may transfer any matter from any Commissioner to any other Commissioner.

Application when permissible and form of application.

25. (1) No application for the settlement of any matter by a Commissioner other than an application by a dependant or dependants for compensation shall be made unless and until some question has arisen between the parties in connection therewith which they have been unable to settle by agreement.

(2) An application to a Commissioner may be made in such form and shall be accompanied by such fee, if any, as may be prescribed, and shall contain, in addition to any particulars which may be prescribed, the following particulars, namely:—

(*a*) a concise statement of the circumstances in which the application is made and the relief or order which the applicant claims:—

(*b*) in the case of a claim for compensation against an employer, the date of service of notice of the accident on the employer and, if such notice has not been served or has not been served in due time, the reason for such omission;

(*c*) the names and addresses of the parties; and

(*d*) except in the case of an application by dependants for compensation a concise statement of the matters on which agreement has and of those on which agreement has not been come to.

(3) If the applicant is illiterate or for any other reason is unable to furnish the required information in writing, the application shall, if the applicant so desires, be prepared under the direction of the Commissioner.

Power of Commissioner to require further deposit in cases of fatal accident.

26. (1) Where any sum has been deposited by an employer as compensation payable in respect of a workman whose injury has resulted in death, and in the opinion of the Commissioner such sum is insufficient, the Commissioner may, by notice in writing stating his reasons, call upon the employer to show cause why he should not make a further deposit within such time as may be stated in the notice.

(2) If the employer fails to show cause to the satisfaction of the Commissioner, the Commissioner can make an award determining the total amount payable, and requiring the employer to deposit the deficiency.

Powers and procedure of Commissioners

27. The Commissioner shall have all the powers of a Civil Court under the Code of Civil Procedure, 1100, for the purpose of taking evidence on oath (which such Commissioner is hereby empowered to impose) and of enforcing the attendance of witnesses and compelling the production of documents and material objects, and the Commissioner shall be deemed to be a Civil Court for all the purpose of Section 173 and of Chapter XXXIV of the Code of Criminal Procedures.

Appearance of parties.

28. Any appearance, application or act required to be made or done by any person before or to a Commissioner (other than an appearance of a party which is required for the purpose of his examination as a witness) may be made or done on behalf of such person by a legal practitioner or other person authorised in writing by such person.

29. The Commissioner shall make a brief memorandum of the substance of the evidence of every witness as the examination of the witness proceds, and such memorandum shall be written and signed by the Commissioner with his own hand and shall form part of the record ;

Method of recording evidence.

Provided that, if the Commissioner is prevented from making such memorandum, he shall record the reason of his inability to do so and shall cause such memorandum to be made in writing from his dictation and shall sign the same, and such memorandum shall form part of the record :

Provided, further, that the evidence of any medical witness shall be taken down as nearly as may be, word for word.

30. All costs incidental to any proceedings before a Commissioner shall, subject to rules made under this Regulation, be in the discretion of the Commissioner.

Costs.

31. A Commissioner may, if he thinks fit, submit any question of law for the decision of the High Court and, if he does so, shall decide the question in conformity with such decision.

Power to submit cases

32. (1) Where the amount of any lump sum payable as compensation has been settled by agreement, whether by way of redemption of a half monthly payment or otherwise, or where any compensation has been so settled as being payable to a woman or a person under a legal disability a memorandum thereof shall be sent by the employer to the Commissioner, who shall, on being satisfied as to its genuineness, record the memorandum in a Register in the prescribed manner :

Registeration of agreements.

Provided that—

(a) no such memorandum shall be recorded before seven days after communication by the Commissioner of notice to the parties concerned ;

(b) the Commissioner may at any time rectify the Register ;

(c) where it appears to the Commissioner that an agreement as to the payment of a lump sum whether way of redemption of a half-monthly payment or otherwise, or an agreement as to the amount of compensation payable to a woman or a person under a legal disability ought not to be registered by reason of the inadequacy of the sum or amount, or by reason of the agreement having been obtained by fraud or undue influence or other improper means, he may refuse to record the memorandum of the agreement and may make such order including an order as to any sum already paid under the agreement as he thinks just in the circumstances.

(2) An agreement for the payment of compensation which has been registered under sub-section (1) shall be enforceable under this Regulation notwithstanding anything contained in any other law for the time being in force.

33. Where a memorandum of any agreement, the registration of which is required by Section 32 is not sent to the Commissioner as required by that Section, the employer shall be liable to pay the full amount of compensation which he is liable to pay under the provisions of this Regulation, and notwithstanding anything contained in the proviso to sub-section (1) of Section 4, shall not, unless the Commissioner otherwise directs, be entitled to deduct more than half of any amount paid to the workman by way of compensation whether under the agreement or otherwise.

Effect of failure to register agreement.

Appeals.

34. (1) An appeal shall lie to the High Court from the following orders of a Commissioner, namely :—

(a) an order awarding as compensation a lump sum whether by way of redemption of a half-monthly payment or otherwise or disallowing a claim in full or in part for a lump sum.

(b) an order refusing to allow redemption of a half-monthly payment;

(c) an order providing for the distribution of compensation among the dependants of a deceased workman, or disallowing any claim of a person alleging himself to be such dependant;

(d) an order allowing or disallowing any claim for the amount of an indemnity under the provisions of sub-section (2) of Section 14 ; or

(e) an order refusing to register a memorandum or agreement or registering the same or providing for the registration of the same subject to conditions :

Provided that no appeal shall lie against any order unless a substantial question of law is involved in the appeal and, in the case of an order other than an order such as is referred to in clause (b), unless the amount in dispute in the appeal is not less than three hundred rupees :

Provided, further, that no appeal shall lie in any case in which the parties have agreed to abide by the decision of the Commissioner, or which the order of the Commissioner gives effect to an agreement come to by the parties :

Provided further that no appeal by an employer under clause (a) shall lie unless the memorandum of appeal is accompanied by a certificate by the Commissioner to the effect that the appellant has deposited with him the amount payable under the order appealed against.

(2) The period of limitation an appeal under this Section shall be sixty days

(3) The provisions of Section 5 of the Travancore Limitation Regulation shall be applicable to appeals under this Section.

Withholding payment pending appeal.

33. Where an employer makes an appeal under clause (a) of sub-section (1) of Section 34, the Commissioner may, and if so directed by the Hight Court, shall pending the decision of the appeal, withhold payment of any sum in deposit with him.

Recovery.

36. The Commissioner may recover as an arrear of land revenue any amount payable by any person under this Regulation whether under an agreement for the payment of compensation or otherwise and the Commissioner shall be deemed to be a Tahsildar within the meaning of the Revenue Recovery Regulation, Regulation I of 1068 as subsequently amended.

CHAPTER IV.

Rules.

Power of Government to make rules

37. (1) Our Government may make rules to carry out the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) for prescribing the intervals at which and the conditions subject to which an application for review may be made under Section 6 when not accompanied by a medical certificate ;

(*b*) for prescribing the intervals at which and the conditions subject to which a workman may be required to submit himself for medical examination under sub-section (1) of Section 13;

(*c*) for prescribing the procedure to be followed by Commissioners in the disposal of cases under this Regulation and by the parties in such cases;

(*d*) for regulating the transfer of matters and cases from one Commissioner to another and the transfer of money in such cases;

(*e*) for prescribing the manner in which money in the hands of a Commissioner may be invested for the benefit of dependants of a deceased workman and for the transfer of money so invested from one Commissioner to another;

(*f*) for the representation in proceedings before Commissioners of parties who are minors or are unable to make an appearance;

(*g*) for prescribing the form and manner in which memoranda of agreements shall be presented and registered;

(*h*) for the withholding by Commissioners, whether in whole or in part, of half-monthly payments pending decision on applications for review of the same;

(*i*) for regulating the scales of costs which may be allowed in proceedings under this Regulation;

(*j*) for prescribing and determining the amount of the fees payable in respect of any proceedings before a Commissioner under this Regulation;

(*k*) for the maintenance by Commissioners of registers and records of proceedings before them;

(*l*) for prescribing the classes of employers who shall maintain notice-books under sub-section (3) of Section 10 and the form of such notice-books;

(*m*) for prescribing the form of statement to be submitted by employers under Section II;

(*n*) for prescribing the cases in which the report referred to in Section 12 may be sent to an authority other than the Commissioner;

(*o*) for any other matter which is or may be prescribed;

(*p*) generally for carrying out the provisions of this Regulation.

Publication of rules.

38. (1) The power to make rules conferred by Section 37 shall be subject to the condition of the rules being made after previous publication.

(2) The date to be specified in accordance with clause (*c*) of Section 6 of the Travancore General Clauses Regulation of 1072, as that at or after which a draft of rules proposed to be made under Section 37 will be taken into consideration, shall not be less than three months from the date on which the draft of the proposed rules was published.

(3) Rules so made shall be published in Our Government Gazette and on such publication, shall have effect as if enacted in this Regulation.

Rules to give effect to arrangements with other countries for the transfer of money paid as compensation.

39. Our Government may, by notification in Our Government Gazette, make rules for the transfer to any part of any other country of money paid to a Commissioner under this Regulation for the benefit of any person residing or about to reside in such part and for the receipt and administration in Travancore of any money awarded under the law relating to workmen's compensation in any part of any other country and applicable for the benefit of any person residind or about to reside in Travancore.

SCHEDULE I.

[*See Sections 2 (1) and (4).*]

List of injuries deemed to result in permanent partial disablement.

Injury.	Percentage of loss of earning capacity.
Loss of right arm above or at the elbow ...	70
Loss of left arm above or at the elbow ...	60
Loss of right arm below the elbow ...	60
Loss of leg at or above the knee ...	60
Loss of left arm below the elbow ...	50
Loss of leg below the knee ...	50
Permanent total loss of hearing ...	50
Loss of one eye ...	30
Loss of thumb ...	25
Loss of all toes of one foot ...	20
Loss of one phalanx of thumb ...	10
Loss of index finger ...	10
Loss of great toe ...	10
Loss of any finger other than index finger ...	5

NOTE :—Complete and permanent loss of the use of any limp or member referred to in this Schedule shall be deemed to be the equivalent of the loss of that limb or member.

SCHEDULE I.

[*See Section 2 (1) (n).*]

List of persons who, subject to the provisions of Section 2 (1) (n) are included in the definition of workmen.

The following persons are workmen within the meaning of Section 2 (1) (*n*) and subject to the provisions of that Section, that is to say, any person who is—

(i) employed, otherwise than in a clerical capacity or on a railway, in connection with the operation or maintenance of mechanically propelled vehicles ; or

(ii) employed, otherwise than in a clerical capacity, in any premises wherein, or within the precincts whereof, on any one day of the preceding twelve months, ten or more persons have been employed in any manufacturing process, as defined in the law relating to Factories for the time being in force, or in any kind of work whatsoever incidental to or connected with any such manufacturing process or with the article made, and steam, water or other mechanical power or electrical power is used ; or

(iii) employed for the purpose of making, altering, repairing ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article in any premises wherein or within the precincts whereof on any one day of the preceding twelve months, fifty or more persons have been so employed ; or

(iv) employed in the manufacture or handling of explosives in any premises wherein, or within the precincts whereof, on any one day of the preceding twelve months, ten or more persons have been so employed ; or

(v) employed, in any mine as defined in clause (f) of Section 2 (1) of the Travancore Mines and Minerals Regulation, in any mining operation, or in any kind of work, other than clerical work, incidental to or connected with any mining operation or with the mineral obtained, or in any kind of work whatsoever below ground ;

Provided that any excavation in which on no day of the preceding twelve months more than fifty persons have been employed or explosives have been used, and whose depth from its highest to its lowest point does not exceed twenty feet shall be deemed not to be a mine for the purpose of this clause ; or

(vi) employed as the master or as a seaman of—

(a) any ship which is propelled wholly or in part by steam or other mechanical power or by electricity or which is towed or intended to be towed by a ship so propelled, or

(b) any ship not included in sub-clause (a) of fifty tons net tonnage or over ; or

(vii) employed for the purpose of loading, unloading fuelling, constructing, repairing, demolishing, cleaning or painting any ship of which he is not the master or a member of the crew, or in the handling or transport within the limits of any port subject to the Travancore Ports Regulation, 109[illegible], of goods which have been discharged from or are to be loaded into any vessel ; or

(viii) employed in the construction, repair or demolition of—

(a) any building which is designed to be or is or has been more than one storey in height above the ground or twenty feet or more from the ground level to the apex of the roof, or

(b) any dam or embankment which is twenty feet or more in height from its lowest to its highest point, or

(c) any road, bridge, or tunnel ; or

(d) any wharf, quay, sea wall or other marine work including any moorings of ships ; or

(ix) employed in setting up, repairing, maintaining, or taking down any telegraph or telephone line or post or any over-head electric line or cable or post or standard for the same ; or

(x) employed, otherwise than in a clerical capacity, in the construction, working, repair or demolition of any aerial ropeway, canal, pipeline, or sewer ; or

(xi) employed in the service of any fire brigade ; or

(xii) employed upon a railway either directly or through a sub-contractor, by a person fulfilling a contract with the railway administration ; or

(xiii) employed as an Inspector, guard, sorter or van peon in any Railway Mail Service, or employed in any occupation ordinarily involving outdoor work in the Indian Posts and Telegraphs Department or the Travancore Anchal Department ; or

(xiv) employed, otherwise than in a clerical capacity, in connection with operations for winning natural petroleum or natural gas ; or

(xv) employed in an occupation involving blasting operations ; or

(xvi) employed in the making of any excavation in which on any one day of the preceding twelve months more than fifty persons have been employed or explosives have been used, or whose depth from its highest to its lowest point exceeds twenty feet; or

(xvii) employed in the operation of any ferry boat capable of carrying more than ten persons; or

(xviii) employed, otherwise than in a clerical capacity, on any estate which is maintained for the purpose of growing cinchona, coffee, rubber or tea, and on which on any one day in the preceding twelve months twenty-five or more persons have been so employed; or

(xix) employed, otherwise than in a clerical capacity, in the generating, transforming or supplying of electrical energy or in the generating or supplying of gas; or

(xx) employed in a lighthouse, light-vessel, fog-signal, buoy, beacon, or any mark, sign or apparatus exhibited or used for the guidance of ships; or

(xxi) employed in producing cinematograph pictures intended for public exhibition or in exhibiting such pictures; or

(xxii) employed in the training, keeping or working of elephants or wild animals; or

(xxiii) employed as a driver.

Explanatoin.—In this Schedule, "the preceding twelve months" relates in any particular case to the twelve months ending with the day on which the accident in such case occurred.

SCHEDULE III.

(See Section 3.)

List of occupational diseases.

Occupational disease.	Employment.
Lead poisoning or its sequelae.	Any process involving the use of lead or its preparations or compounds
Phosphorous poisoning or its sequelae.	Any process involving the use of phosphorous or its preparations or compounds.
Mercury poisoning or its sequelae.	Any process involving the use of mercury or its preparations or compounds.
Poisoning by benzene and its homologues, or the sequelae of such poisoning.	Handling benzene or any of its homologues; and any process in the manufacture or involving the use of benzene or any of its homologues.
Chorme ulceration or its sequelae.	Any process involving the use of chromic acid or bichromate of ammonium, potassium or sodium or other preparations.
Compressed air illness or its sequelae.	Any process carried on in compressed air.

SCHEDULE IV.

(See Section 4.)

Compensation payable in certain cases.

Monthly wages of the workman injured.		Amount of compensation for—		Half-monthly payment as compensation for temporary disablement of adult	
		Death of adult.	Permanent total disablement of adult		
More than Rs.	But not more than Rs.	Rs.	Rs.	Rs.	As.
0	10	500	700	Half his monthly wages	
10	15	550	770	5	0
15	18	600	840	6	0
18	21	630	882	7	0
21	24	720	1,008	8	0
24	27	810	1,134	8	8
27	30	900	1,260	9	0
30	35	1,050	1,470	9	8
35	40	1,200	1,680	10	0
40	45	1,350	1,890	11	4
45	50	1,500	2,100	12	8
50	60	1,800	2,520	15	0
60	70	2,100	2,940	17	8
70	80	2,400	3,360	20	0
80	100	3,000	4,200	25	0
100	200	3,500	4,900	30	0
200	...	4,000	5,600	30	0

STATEMENT OF OBJECTS AND REASONS.

The essential object of the Bill is to provide for the payment by certain classes of employers to their workmen of compensation for injury by accident. The number of workmen employed in what may be called "hazardous" occupations whether in factories or otherwise is on the increase and is likely to continue to increase. In British India and most other civilized countries there is special legislation providing for the payment of compensation in case of injury caused to such workmen in the course of their employment. In British India an Act, the Workmen's Compensation Act, 1923, was passed in 1923, and subsequently it received some amendments. Recently, as a result of inquiry made into labour conditions in British India by a Royal commission, the Act underwent very many substantial changes, by Act XV of 1933. It is desirable, in the interests of labour, and even of the industry itself, that there should be special law enacted in Travancore for workmen's compensation and that the law should be uniform with that in British India. This Bill has accordingly been prepared, and it is drawn closely on the lines of the enactment now in force in British India.

2. Speaking generally, the Bill lays down (*a*) who the persons (workmen are that are entitled to claim compensation, (*b*) who the persons are that are liable to pay the compensation, (*c*) what the conditions are that should be fulfilled before compensation is recoverable, (*d*) what the method of calculating the compensation amount is and (*e*) what procedure should be followed in proceedings under the proposed enactment.

3. What the classes of workmen are who can claim compensation are specified by the definition of the term "workmen" given by Clause 2 (1) (*n*) read with Schedule II. Other classes of workmen may, if found necessary, be brought within the purview of the measure by Government by notification [See Clause 2 (3)]. Clause 3 lays down that if personal injury (whether resulting in death or resulting in disablement, total or partial or permanent or temporary) is caused to a "workman", by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of his measure The contracting of any disease peculiar to any employment (occupational disease) is presumed for purposes of compensation, to be an injury by accident arising in the course of the employment. The amounting of compensation payable is dealt with in Clauses 5 to 7. The right to compensation, the liability to pay it and the amount of it are proposed to be settled by the Commissioners appointed under the Regulation and they will proceed in a more or less summary manner (See Clause 22 to 33). The decision of the Commissioner will generally be final but in some limited cases, involving questions of law; an appeal will lie to the High Court. (See Clause 34). The Commissioner will collect the compensation amount and see to its proper distribution if necessary (See Clauses 36 and 8). Certain special provisions are made for ensuring that compensation reaches and benefits the persons intended to be benefited (See Clauses 9, 16 and 19).

KAYALAM PARAMESWARAN PILLAI.

Annexure VIII.

A BILL TO AMEND THE TRAVANCORE FOREST REGULATION OF 1068.

Whereas it is expedient further to amend the Travancore Forest Regulation of 1068 (II of 1068 as amended by Regulations IV of 1071, IX of 1085 IV of 1089 and VIII of 1097) for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. (a) This Regulation may be called the Travancore Forest Regulation (Amendment) Regulation 111 .

(b) It shall come into force at once.

2. In the Travancore Forest Regulation of 1068 (II of 1068 as amended by Regulations IV of 1071, IX of 1085, IV of 1089 and VIII of 1097) in Section 47 A, after the words "such person", the words "on bail, or" shall be inserted.

STATEMENT OF OBJECTS AND REASONS.

Section 47A of the Travancore Forest Regulation, empowers a Forest Officer to release an arrested person on his executing a bond for his future appearance. But it does not empower the officer to demand any surety for such appearance. It has been found that it is not always safe to release a person on his bond alone. In order to empower Forest Officers to demand sureties for appearance this Bill is proposed.

KAYALAM PARAMESVARAN PILLAI,
Additional Head Sirkar Vakil.

Annexure IX

THE TRAVANCORE MEDICAL REGISTRATION BILL.

A Bill for the registration of medical practitioners and for the prevention of the practice of the allopathic system of medicine and surgery by persons other than registered practitioners.

Preamble.

Whereas it is expedient to provide a law for the registration of medical practitioners in Travancore and for the prevention of the practice of the allopathic system of medicine and surgery by persons other than registered practitioners, it is hereby enacted as follows :—

Short Title.

1. This Regulation may be called "The Travancore Medical Registration Regulation 111 ."

Commencement of Regulation.

2. The provisions of Sections 4 and 23 shall come into force on such date as Our Government may notify in that behalf in Our Government Gazette. The rest of this Regulation shall come into force at once.

Definitions.

3. In this Regulation unless there is something repugnant in the subject or context—

(1) "Council" means the Medical Council established by this Regulation ;

(2) "Hospitals", "Asylums", "Infirmaries", "Dispensaries" "Lying-in-hospitals "and "Sanatoriums" mean institutions, the methods of treatment carried on in which or those which are approved by the Medical Council established by this Regulation ;

(3) "Prescribed" means prescribed by rules or bye-laws made under this Regulation ;

(4) "Registered practitioner" means any person who is registered under the provisions of this Regulation, and whose registration remains in force ;

(5) "Medical practitioner" means any person practising the allopathic system of medicine and surgery.

Privileges of registered practitioners.

4. Notwithstanding anything to the contrary in any enactment, rule, bye-law or any other provision of law—

(1) No certificate, required by law to be given by a medical practitioner, shall be valid unless signed by a registered practitioner.

(2) Except with the special sanction of Our Government, no one other than a registered practitioner shall be competent to hold any appointment as physician, surgeon or other medical officer in any hospital, asylum, infirmary, dispensary, lying-in-hospital or sanatorium.

Constitution of Medical Council.

5. (1) A Medical Council shall be established for Travancore and shall consist of ten members including a president and a vice-president to be appointed in the following manner :—

(*a*) the president nominated by Our Government ;

(*b*) six other members nominated by Our Government ;

(*c*) two members elected by the registered practioners who are graduates or licentiates in medicine or surgery of such universities as may be notified in that behalf by Our Government in Our Government Gazette ;

(*d*) one member elected by all other registered practitioners.

(2) The vice-president shall be elected from among the members of the Council in the prescribed manner.

Qualifications of members.

6. No person shall be eligible to be a member of the Council unless he is a registered practitioner:

Provided that in the case of first appointments made under this Regulation, the persons electing the members under clauses (c) and (d) of subsection (1) of Section 5 and the members appointed shall be persons who are qualified to be registered under Section 13.

Tenure of office of members.

7. The members of the Council shall hold office for a term of three years and shall be eligible for re-appointment.

Cessation of membership.

8. A member of the Council shall be deemed to have vacated his seat—

(1) on sending his resignation in writing to the President or Registrar.

(2) on his absence without excuse sufficient in the opinion of the Council, from three consecutive meetings of the Council;

(3) on his absence out of Travancore for six consecutive months;

(4) on removal of his name from the register;

(5) on his being declared an insolvent by any competent court.

(6) on expiry of the term mentioned in Section 7.

Filling up of vacancies.

9. When the seat of any member becomes vacant, the vacancy shall be filled up by election or nomination, as the case may be, in accordance with the provisions of section 5.

Registrar and other officers.

10. (1) The Council shall appoint a Registrar who shall act as Secretary of the Council and who shall also act as treasurer, unless the Council shall appoint another person as treasurer. Every person so appointed shall be removable at the pleasure of the Council.

(2) The Council may also employ such other persons as it may deem necessary for the purposes of this Regulation.

(3) All persons appointed and employed under this Section shall be deemed to be public servants within the meaning of Section 15 of the Travancore Penal Code.

Medical register.

11. It shall be the duty of the Registrar to keep a register of medical practitioners and from time to time to revise the register and publish it in the prescribed manner. Such register shall be deemed to be a public document and may be proved by a copy published in Our Government Gazette.

Meetings of Council.

12. Except as otherwise provided in this Regulation, no business shall be transacted at a meeting of the Council unless at least five members are present.

All questions which may come before the Council shall be decided in accordance with the votes of the majority of the members present and voting at the meetings. In the case of an equality of votes the member presiding at the meeting shall have a second or casting vote.

13. Subject to the provisions of Section 14, every person who is possessed of any of the qualifications prescribed in the schedule or who is possessed of a certificate of fitness granted by the Council after holding an examination for the purpose in the prescribed manner, shall be entitled to be registered on furnishing to the Registrar proof of such qualification of certificate whether or not such person practises or intends to practise the allopathic system of medicine and surgery :

Persons who may be registered.

Provided that Our Government may, after consulting the Council permit the registration of any person who shall furnish proof that he is possessed of a medical degree, diploma or certificate of any university, medical college or school approved by the Council other than those described in the Schedule :

Provided further that the Council may refuse to permit the registration of any person who has been convicted of any such offence as implies in the opinion of the Council a defect of character or who, after enquiry at which opportunity has been given to the candidate to be heard in person or by pleader, has been held by the Council to have been guilty of infamous conduct in any professional respect.

Registration fee.

14. (1) Every person who applied to be registered under this Regulation shall pay a Registration fee of ten rupees.

(2) Every registered practitioner who applies to the Registrar for Registration in respect of any additional qualification obtained subsequent to registration under this Regulation shall pay a fee of five rupees.

Appeal against the decision of Registrar

15. An appeal shall lie to the Council against any order of the Registrar under Section 13 or Section 14. The said appeal shall be preferred within three months from the date of the order appealed against.

Alteration of register by Council.

16. (1) The Council may, if it sees fit and after giving due notice to the person concerned and inquiring into his objections, if any order that any entry in the register which shall be proved to the satisfaction of the Council to have been fraudulently or incorrectly made or brought about be cancelled or amended.

(2) The Council may direct the removal altogether or for a specified period from the Register, of the name of any registered practitioner for the same reasons for which registration may be refused by the Council under Section 13 and the second proviso thereto shall apply to any enquiry under this Section. The Council may also direct that any name so removed shall restored.

Council may appoint a Committee for enquiries.

17. (1) An enquiry under Section 13 or Section 16 may be held by a Committee consisting of three members of the Council elected for the purpose by the Council. The Council or the Committee, as the case may be, may at its discretion hold such enquiry in camera. The decision of the Committee shall be deemed to be the decision of the Council.

(2) For the purpose of any such enquiry or of any appeal under Section 15, the Council or any Committee thereof elected as aforesaid, shall have the powers of a Division Peishkar under Regulation VI of 1073 (Departmental Enquiries Regulation) and all the provisions of that Regulation shall apply as if the Council or Committee were a Division Peishkar.

18. An appeal shall lie to Our Government against every decision of the Council under Section 18 or Section 16 or any order passed in the exercise of the powers granted by Section 17, Sub-section (2) Such appeal shall be preferred within three months from the date of the Council's decision or the order as the case may be.

Appeal to Government.

19. No act done in the exercise of any power conferred by this Regulation on Our Government or the Council or the Registrar shall be questioned in any civil court.

Limiting of jurisdiction of civil courts

20. It shall be lawful for Our Government by a notification in Our Government Gazette to alter the Schedule :

Alteration of schedule.

Provided that no such alteration shall be made as is not agreed to by the Council.

21. The Council shall have power to call on the governing body or authorities of any university, medical college or school, included in or desirous of being included in the Schedule—

Power of Council to call for information etc.

(a) to furnish such reports, returns or other information as the Council may require to enable it to judge of the efficiency of the instruction given therein in medicine and surgery and midwifery; and

(b) to provide facilities to enable any member of the Council deputed by the Council in this behalf to be present at the examinations held by such university, college or school.

If the said body or authorities refuse to comply with any such demand Our Government may, upon report by the Council, remove such university, college or school, from the Schedule or refuse to include it in the Schedule.

22. If at any time it shall appear to Our Government that the Council has neglected to exercise or has exceeded or abused any power conferred upon it under this Regulation or has neglected to perform any duty imposed upon it by this Regulation, Our Government may notify the particulars of such neglect, excess or abuse to the Council and if the Council fails to remedy such neglect excess or abuse within such time as may be fixed by Our Government in this behalf, Our Government may, for the purpose of remedying such neglect, excess or abuse, cause any of the powers and duties of the Council to be exercised and performed by such agency and for such period as Our Government may think fit.

Default of Council.

23. Any person,—

(a) not being a registered practitioner takes or uses any name, title or addition implying a qualification to practise medicine or surgery according to the allopathic system ; or

Penalty for unauthorised medical practice.

(b) not being a registered practitioner pretends to be a registered practitioner, whether any person is actally deceived by such pretence or not ;

(c) not being a registered practitioner practises for gain or proposes to practise or publishes his name as practising medicine or surgery according to the allopathic system ; or

(d) who being a registered practitioner takes or uses any name, title or addition implying a qualification to practise medicine or surgery according to the allopathic system in respect of which he has not been registered ;

shall be punishable on conviction before a Magistrate of the First Class with fine, not exceeding two hundred rupees.

24. Our Government may, after previous publication, make rules for the purpose of carrying out the provisions of this Regulation.

Power to make rules and bye-laws.

In particular and without prejudice to the generality of the foregoing provision Our Government may make rules.—

(i) for the election of members to the Council under Sections 5 and 6 ;

(ii) for the election of the vice-president of the Council ;

(iii) for the holding of examinations to test the fitness of candidates for registration and for the granting of certificates of fitness as the result of such examination ;

(iv) to regulate the procedure at the enquiry held under Section 13 or Section 16 ;

(v) for the institution, hearing and disposal of appeals under Section 15 or Section 18 ;

(vi) for the compilation, and publication of the register ;

(vii) for the disposal of fees received under this Regulation ;

25. The Council may, with the previous sanction of Our Government, make bye-laws.

(i) for convening meetings of the Council ;

(ii) for the conduct of business at such meetings ; and

(iii) for the appointment, control, pay and allowances of the establishment employed under Section 10.

THE SCHEDULE.

(1) The degree of Doctor, Bachelor and Licentiate of Medicine and Master, Bachelor and Licentiate of Surgery of the University of Madras, Bombay, Calcutta, Allahabad, Lahore and Mysore.

(2) A diploma or certificate granted by a British Indian Government or the Covernment of Ceylon to any person trained in a medical college or school declaring him to be qualified to practise Medicine, Surgery and Midwifery.

(3) The Diploma of Fellow Member and the Licentiate certificate granted by the State Medical Faculty of Bengal and the College of Physicians and Surgeons of Bombay.

(4) The Diplomas granted by the Hyderabad Medical School or Osmania Medical College.

(5) The Diploma of licensed Medical Practitioner granted by His Highness the Maha Raja of Mysore's Medical School.

STATEMENT OF OBJECTS AND REASONS.

Representations have been made to Government that for the purpose of distinguishing the persons really qualified to practise the allopathic system of medicine and surgery from those who are mere quacks or pretenders and for the prevention of the unauthorised practice of medicine and surgery, a law

should be passed in Travancore for the registration of the really qualified persons and the punishment of the unauthorised practitioners This Bill has accordingly been drawn generally on the lines of the Madras Medical Registration Act. IV of 1914. The Bill provides for a Medical Council being establised in Travancore with a Registrar as the council's Secretary, and for their maintaining a medical register in which the names of qualified persons will be registered. The Council is given power to remove the name of any person on the register for adequate reasons after making an enquiry for the purpose. An appeal will lie to the Government against the orders of the Council, but a resort to the civil courts is not allowed. Certain qualifications, which are considered sufficient to entitle a person to registration, are mentioned in the Schedule to the Bill, but as there may be medical men who, though they may not possess those qualifications, may yet be fit to practise the allopathic system of med'cine, power is given to the Council to hold examinations and grant certificates of fitness with a view to the certificate holders being registered. Persons who are not registered practitioners are prohibited from practising the allopathic system.

KAYALAM PARAMESVARAN PILLAI,
14-3-35.

Annexure I.

A BILL FURTHER TO AMEND THE TRAVANCORE INCOME TAX REGULATION, VIII OF 1096, AS AMENDED BY REGULATION V OF 1100.

Preamble

Whereas it is expedient further to amend the Travancore Income Tax Regulation, VIII of 1096, as amended by Regulation V of 1100, for the purposes hereinafter appearing ; It is hereby enacted as follows ;—

Short title and commencement.

1. (1) This Regulation may be called The Travancore Income Tax (Amendment) Regulation, 111—and

(2) It shall come into force at once.

Amendment of Section 2.

2. In Section 2 of the Travancore Income Tax Regulation, VIII of 1096, as amended by Regulation, V of 1100, (hereinafter referred to as the said Regulation).

(1) in sub-section (1), clause (b), for the words "land in Travancore", the words "such lands as is referred to in clause (*a*) and is stuate in Travancore" shall be substituted ; and

(2) for sub-section (11), the following shall be substituted, namely :—

(11) "previous year" means—

(*a*) the twelve months ending on the last day of Karkatakam next preceding the year for which the assessment is to be made, or, if the accounts of the assessee have been made up within the said twelve months in respect of a year ending on any date other than the said last day of Karkatakam, then, at the option of the assessee, the year ending on the day on which his accounts have so been made up :

Provided that, if this option has been once exercised by the assessee, it shall not again be exercised so as to vary the meaning of the expression "previous year" as then applicable to such assessee, except with the consent of the Collector and upon such conditions as he thinks fit ; or

(*b*) in the case of any person, business or company or class of persons, business or company, such period as may be determined by the Chief Revenue Authority or by such authority as it may authorise in this behalf".

Amendment of Section 3.

3. In Section 3 of the said Regulation, after sub-section (1), the following shall be inserted as a sub-section, namely ;—

"(1 a) Income, profits and gains accruing or arising without Travancore to a person resident in Travancore shall if they are received in or brought into Travancore, be deemed to have accrued or arisen in Travancore and to be income, profits and gains of the year in which they are so received or brought, notwithstanding the fact that they did not so accrue or arise in that year;

Provided they are so received in or brought into Travancore within three years of the end of the year in which they accrued or arose.

Explanation.—Income, profits or gains of a business accruing or arising without Travancore shall not be deemed to be received or brought into Travancore within the meaning of this sub-section by reason only of the fact that they are taken into account in the balance sheet prepared in Travancore."

Amendment of Section 5.

4. In Section (5), sub-section (1), of the said Regulation, the following shall be inserted as an Explanation, namely :—

Explanation—The right of a person to occupy, free of rent, as a place of residence any premises provided by his employer is a perquisite for the purposes of this sub-section."

Amendment of Section 7.

5, In section 7 of the said Regulation,—

(1) in sub-section (1),

(*a*) after the word "buildings", the words "or lands appurtenant thereto" shall be inserted, and

(*b*) after the word "owner" where it occurs for the first time, the words "other than such portions of such property as he may occupy for the purposes of his business" shall be inserted, and

(2) in sub-section (2), proviso,

(*a*) after the word "owner", where it occurs for the first time, the words "for the purposes of his own residence" shall be inserted, and

(*b*) for the word "aggregate", the word 'total" shall be substituted.—

Amendment of Section 8.

6. In Section 8, sub-section (2), of the said Regulation—

(1) in clause (vi), for proviso (b) the following shall be substituted, namely :—

"where full effect cannot be given to any such allowance in any year owing to there being no profits or gains chargeable for that year, or owing to the profits or gains chargeable being less than the allowance, the allowance or part of the allowance to which effect has not been given, as the case may be, shall be added to the amount of the allowance for depreciation for the following year and deemed to be part of that allowance, or if there is no such allowance for that year, be deemed to be the allowance for that year, and so on for succeeding years; and" and,

(2) In clause (ix), the words "in respect of" shall be omitted.

Insertion of a new Section, 10 A.

7. In the said Regulation, after Section 10, the following Section shall be inserted, namely.

Method of accounting.

"10 A. Income, profits and gains shall be computed, for the purposes of Sections 8, 9 and 10, in accordance with the method of accounting regularly employed by the assessee:

Provided that, if no method of accounting has been regularly employed or if the method employed is such that, in the opinion of the Collector, the income, profits and gains cannot properly be deduced therefrom, then the computation shall be made upon such basis and in such manner as the Collector may determine."

Amendment of Section 14.

8. In Section 14 of the said Regulation—

(1) in sub-section (1), after the word "liable", the words "to pay income tax or" shall be inserted; and

(2) Sub-Section (2) shall be omitted.

Insertain of a new Section 15 AA.

9. In the said Regulation, after Section 15 A and before Section 15 B, the following section shall be inserted, namely:—

Supply of information regarding dividends.

"15. AA. The Principal officer of every company shall, on or before the 15th Thulam in each year, furnish to the prescribed officer a return in the prescribed form and verified in the prescribed manner of the names and of the addresses, as entered in the register of shareholders maintained by the company, of the shareholders to whom a dividend or aggregate dividends exceeding such amount as may be prescribed in this behalf has or have been distributed during the preceding year and of the amount so distributed to each such share-holder."

Amendment of Section 17.

10. In Section 17, sub-section (2), of the said Regulation, for the word "taxable", the word "total" shall be substituted.

Amendment of Section 19.

11. In Section 19, Sub-section (1), of the said Regulation, for the figure "6", the figure "4" shall be substituted.

12. In Section 19 A, sub-section (1), of the said Regulation,

Amendment of Section 19 A.

for the words "commenced on or after the first day of Chingam 1101," the words "no which income tax was not at any time charged under the provisions of Regulation VIII of 1096" shall be substituted.

Insertion of a new Section 19 AA.

13. In the said Regulation, after Section 19 A and before Section 19 B, the following Section shall be inserted, namely:—

Assessment in case of departure from Travancore.

"19 AA. (1) When it appears to the Collector that any person may leave Travancore during the current year or shortly after its expiry and that he has no present intention of returning, the Collector may proceed to assess him on his total income for the period from the expiry of the last previous year for which he has been assessed to the probable date of his departure from Travancore. For each completed previous year included in this period an assessment shall be made on the total income of such person at the rate at which it would have been charged had such income been fully assessed, and for the period from the expiry of the last of such previous years to the probable date of departure the Collector shall estimate the total income of such person and assess it at the rate applicable to the income:

Provided that nothing herein contained shall authorise a Collector to assess any income, profits or gains which have escaped assessment or have been assessed at too low a rate in respect of which he is debarred from issuing a notice under Section 25.

(2) For the purpose of making an assessment under sub-section (1), the Collector may serve a notice upon such person requiring him to furnish within such time not being less than four days as may be specified in the notice, a return in the same form and verified in the same manner as a return under sub-section (2) of Section 17, setting forth, along with such other particulars as may be provided for in the notice, his total income for each of the completed previous years comprised in the period first referred to in sub-section (1) and his estimated total income for the period from the expiry of the last such completed previous year to the probable date of his departure; and the provisions of this Regulation shall, so far as may be, apply as if the notice were a notice issued unde sub-section (2) of Section 17."

Amendment of Section 19 B.

14. In the said Regulation, for Section 19 B, the following shall be substituted, namely:—

Change in constitution of a firm.

"19 B. (1) Where, at the time of making an assessment under Section 18, it is found that a change has occurred in the constitution of a firm or that a firm has been newly constituted, the assessment on the firm and on the members thereof shall, subject to the provisions of this Regulation, be made as if the firm had been costituted throughout the previous year as it is constituted at the time of making the assessment,

and as if each member had made a share of the profits of that year proportionate to his interest in the firm at the time of making the assessment.

(2) Where, at the time of making the assessment under Section 18, it is found that the person carrying on any business, profession or vocation has been succeeded in such capacity by another person, the assessment shall be made on such person succeeding as if he had been carrying on the business, profession or vocation throughout the previous year, and as if he had received the whole of the profits for that year."

Insertion of new Section 19 BB.

15. In the said Regulation, after Section 19 B and before Section 19 C, the following Section shall be inserted, namely:—

Tax of deceased person payable by representative.

"19 BB. (1) Where a person dies, his executor, administrator or other legal representative shall be liable to pay out of the estate of the deceased person, to the extent to which the estate is capable of meeting the charge, the tax assessed as payable by such person, or any tax which would have been payable by him under this Regulation as if he had not died.

(2) Where a person dies before he is served with a notice under sub-section (2) of Section 17 or Section 25, as the case may be, the Collector may serve on his executor, administrator or other legal representative a notice under sub-section (2) of Section 17 or Section 25, as the case may be, and may proceed to assess the total income of the deceased person as if such executor, administrator or other legal representative were the assessee.

(3) Where a person dies without having furnished a return which he has been required to furnish under the provision of sub-section (2) of Section 17, or having furnished a return which the Collector has reason to believe to be incorrect or incomplete, the Collector may make an assessment of the total income of such person and determine the tax payable by him on the basis of such assessment, and for this purpose may require from the executor, administrator or other legal representative of the deceased person any accounts, documents or other evidence which he might under the provisions of Sections 17 and 18 have required from the deceased person."

Amendment of Section 21.

16. In Section 21, sub-section (1), of the said Regulation, the following shall be added as a proviso, namely:—

"Provided that no appeal shall lie in respect of an assessment made under sub-section (4) of Section 18 or under that sub-section read with Section 19 C."

Amendment of Section 22.

17. In Section 22, sub-section (3) proviso, of the said Regulation, for the word "applicant" the word "appellant" shall be substituted.

Amendment of Section 23. 18. In Section 23 of the said Regulation, for the words "assessment proceeding" the words "proceedings under this Regulation" shall be substituted.

Amendment of Section 24. 19. In the said Regulation, for Section 24, the following shall be substituted, namely :—

Penalty for concealment of income.

"24. If the Collector, the Commissioner or the Chief Revenue Authority, in the course of any proceeding under this Regulation, is satisfied that an assessee has concealed the particulars of his income, or has deliberately furnished inaccurate particulars of such income and has thereby returned it below its real mount, he may direct that the assessee shall, in addition to the income tax payable by him, pay by way of penalty a sum not exceeding the amount of income tax which would have been avoided if the income so returned by the assessee had been accepted as the correct income:

Provided that no such order shall be made, unless the assessee has heen heard, or has been given a reasonable opportunity of being heard:

Provided further that no prosecution for an offence against this Regulation shall be instituted in respect of the same facts on which a penal assessment is made under this Section."

Amendment of Section 25. 20. In the said Rgulation, for Section 25, the following shall be substituted, namely :—

Income escaping assessment

"25. If for any reason income, profits or gains chargeable to income tax has escaped assessment in any year or has been assessed at too low a rate, the collector may at any time within one year of the end of that year serve on the person liable to pay tax on such income, profits or gains, or in the case of a company, on the principal officer thereof, a notice containing all or any of the requirements which may be included in a notice under sub-section (2) of Section 17 and may proceed to assess or re-assess such income, profits or gains and the provisions of this Regulation shall, so far as may be, apply accordingly as if the notice were a notice issued under that sub-section:

Provided that the tax shall be charged at the rate at which it would have been charged had the income, profits or gains not escaped assessment or full assessment, as the case may be."

Amendment of Section 26. 21. In the said Regulation, for Section 26, the following shall be substituted, namely :—

Rectification of mistakes.

"26. (1) The Chief Revenue Authority or the Commissioner may, at any time within one year from the date of any order passed by him in appeal or, in the case of the Chief Revenue authority, in revision or review under Section 23 and the Collector may at any time within one year from the date of any demand made upon an assessee, on his own motion, rectify

any mistake apparent from the record of the appeal, revision review or assessment, as the case may be, and shall, within the like period, rectify any such mistake which has been brought to their notice by the assessee:

Provided that no such rectification shall be made, having the effect of enhancing an assessment, unless the Chief Revenue authority, the Commisoioner or the Collector, as the case may be, has given notice to the assessee of his intention so to do and has allowed him a reasonable opportunity of being heard.

(2) Where any such rectification has the effect of reducing the assessment, the Collector shall make any refund which may be due to such assessee.

(3) Where any such rectification has the effect of enhancing the assessment, the Collector shall serve on the assessee a notice of demand in the prescribed form specifying the sum payable, and such notice of demand shall be deemed to be issued under Section 20, and the provisions of this Regulation shall apply accordingly."

Amendment of Section 36.

22. In the said Regulation, for Section 36, the following shall be substituted, namely :—

"36. (1) If—

Refund to individual shareholders, partners and owners of securities.

(a) a shareholder in a company who has received dividend from the company; or

(b) a partner in a firm on which income tax has been levied at the maximum rate in accordance with the Proviso to Section 13, who has received a share of the profits of the firm: or

(c) the owner of a security from the interest on which, or any person from whose salary, income tax has been deducted in accordance with the provisions of Section 15,

satisfies the Collector that his total income in the previous year was less than any one, as the case may be, of the amounts specified in Schedule II, he shall be entitled to a refund of a sum calculated on such dividend, share of profits or interest at the rates specified in the same Schedule against each such amount.

(2) For purposes of this Section, "total income" shall include, in the case of any person not resident in Travancore, all income, profits or gains wherever arising, accruing or received which, if arising, accruing or received in Travancore, would be included in the computation of total income.

(3) Nothing in this Section shall entitle to any refund any person not resident in Travancore who is neither a British subject nor a subject of Travancore.

Explanation.- In computing the total income, no income derived from any land outside Travancore shall be deemed agricultural income."

Amendment of Section 36 A. 23. Section 36 A of the said Regulation shall be omitted.

Amendment of Section 38. 24. In Section 38 of the said Regulation,

(1) in clause (*b*), after the figure "15", the words and figure "or by Section 15 B" shall be inserted; and

(2) in clause (*c*), before the word "Section", where it accurs for the first time, the words and figure "Section 15 AA" shall be inserted.

Amendment of Section 39. 25. In Section 39 of the said Regulation, before the word "Section" where it occurs for the first time, the words and figure "Section 15 AA or" shall be inserted.

Amendment of Section 41. 26. In the proviso to Section 41 of the said Regulation, clause (*d*) shall be omitted.

Insertion of a new Chapter VI A. 27. In the said Regulation, after Chapter VI, the following Chapter shall be inserted, namely:—

"CHAPTER VI A.

Charge of Supertax.

41. A. In addition to the income tax charged for any year, there shall be charged, levied and paid for that year in respect of the total income of the previous year of any individual, undivided Hindu family or Marumakkathayam Tarwad, company, unregistered firm or association of individuals, not being a registered firm, an additional duty of income tax (in this Regulation referred to as supertax) at the rate or rates laid down in Schedule III:

Provided that where the profits and gains of an unregistered firm have been assessed to supertax, supertax shall not be payable by an individual having a share in the firm in respect of the amount of such profits and gains which is proportionate to his share.

Total income for purposes of supertax.

41. B. Subject to the provisions of this Chapter, the total income of any individual, undivided Hindu family or Marumakkathayam Tarwad, company, unregistered firm or other association of individuals, shall, for the purposes of supertax, be the total income as assessed for the purposes of income tax, and where an assessment of total income has become final and conclusive for the purposes of income tax for any year, the assessment shall also be final and conclusive for the purposes of supertax for the same year.

Non-resident partners and shareholders.

41 C. (1) In the case of any person residing out of Travancore who is a member of a registered firm and whose share of the profits from such firm is liable to supertax, the remaining members of such firm who are resident in Travancore shall be jointly and severally

liable to pay the supertax due from the non-resident member in respect of such share.

(2) Where the Collector has reason to believe that any person who is a shareholder in a company and is liable to pay supertax on the amount of the dividends receivable by him from the company is resident out of Travancore, the Collector may by order in writing require the principal officer of that company to pay the supertax.

(3) Where the principal officer of a company has not reason to believe that a person who is a shareholder in that company and liable to pay supertax on the amount of the dividends receivable by him from the company is resident in Travancore or where the principal officer of a company has been required to pay supertax on account of any person who is a shareholder in the company as mentioned in sub-section (2), the principal officer shall be liable to pay the supertax due by such person in respect of the dividends received by him from the company and shall have power to deduct the amount of such supertax from the amount payable by the company to such person.

(4) When any person pays any tax under the provisions of this Section on account of another person who is residing out of Travancore, credit shall be given therefor in determining the amount of tax to be payable by any agent of such non-resident person under the provisions of Sections 32 and 33.

41. D. All the provisions of this Regulation except the proviso to sub-section (1) of Section 5, the proviso to Section 6, sub-section (1) of Section 11, so fas as it relates to companies and firms, sub-section (2) of Section 11, and Sections 14, 15, 15, A, 15 B, 16 and 36 shall apply, so far as may be, to the charge, assessment, collection and recovery of supertax."

28. In Section 50 of the said Regulation.

(1) for sub-section (2), the following shall be substituted, namely :— Amendment of Section 50

"(2) Within sixty days of the date on which he is served with notice of an order under Section 22, or Section 22 A, or of an order under Section 23 enhancing an assessment or otherwise prejudicial to him, the assessee, in respect of whom the order was passed, may, by application accompanied by a fee of one hundred rupees or such lesser sum as may be prescribed require the Chief Revenue Authority to refer to the High Court any question of law arising out of such order and the Chief Revenue Authority shall within sixty days of the receipt of such application, draw up a statement of the case and refer it with his opinion thereon to the High Court:

Provided that a reference shall lie from an order under Section 23, only on a question of law arising out of that order itself, and not on a question of law arising out of a previous order under Section 22 or Section 22 A revised by the order under Section 23 :

Provided further that if, in exereise of his power under Section 23, the Chief Revenue Authority decides the question or if the Chief Revenue Authority rejects the application on the ground that it is time-barred or otherwise incompetent, or if, in exercise of his powers under sub-section (3), the Chief Revenue Authority refuses to state the case, the assessee may within thirty days from the date on which he receives notice of the order passed by the Chief Revenue Authority, withdraw his application, and if he does so, the fee paid shall be refunded" :

(2) In sub-section (3), after the word "may" where it occurs for the first time, the following words shall be inserted, namely :—

"within six months from the date on which he is served with the notice of the refusal" ;

(3) After sub-section (3) and before sub-section (4), the following sub-section shall be inserted, namely :—

"(3 A) If on any application being made under sub-section (2), the Chief Revenue Authority rejects it on the ground that it is time-barred, the assessee may, within two months from the date on which he is served with the notice of the order of the Chief Revenue Authority, apply to the High Court, and the High Court, if it is not satisfied of the correctness of the Chief Revenue Authority's decision, may require the Chief Revenue Authority to treat the application as made within the time allowed under sub-section (2)" ; and

(4) After sub-section (7), the following sub-sections shall be added, namely :—

"(8) Section 5 of the Travancore Limitation Regulation shall apply to an application to the High Court by an assessee under sub-section (3) or sub-section (3A).

(9) When any person defaults to pay the costs ordered by the High Court, the Collector concerned may apply for the realisation of the amount to the District Court having local jurisdiction, and such Court shall, on receipt of the Collector's application, execute the order as if it were its own decree."

Amendment of Schedule I.

29. In the said Regulation, for Schedule I, the following Schedule shall be substituted namely :—

"SCHEDULE I.

Rates of Tax.

(*See Section 13.*)

	Rates.
A. In the case of every individual, Hindu undivided family, unregistered firm and other association of individuals not being a registered firm or a company—	
(1) When the total income is less than Rs. 2,000.	Nil.
(2) When the total income is Rs. 2,000 or upwards, but is less than Rs. 5,000.	Ten cash in the rupee.
(3) When the total income is Rs. 5,000 or upwards, but is less than Rs. 10,000.	Twelve cash in the rupee.
(4) When the total income is Rs. 10,000 or upwards, but is less than Rs. 15000.	One chuckram in the rupee.
(5) When the total income is Rs. 15,000 or upwards, but is less than Rs. 20,000.	One chuckram and four cash, in the rupee.
(6) When the total income is Rs. 20,000 or upwards, but is less than Rs. 30,000.	One chuckram and twelve cash, in the rupee.
(7) When the total income is Rs. 30,000 or upwards, but is less than Rs. 40,000.	Two chuckrams in the rupee.
(8) When the total income is Rs. 40,000 or upwards. but is less than Rs. 50,000.	Two chuckrams and eight cash in the rupee.
(9) When the total income is Rs. 50,000 or upwards, but is less than Rs. 1,00,000.	Two chuckrams and twelve cash in the rupee.
(10) When the total income is Rs. 1,00,000 or upwards	Three chuckrams in the rupee.
B. In the case of every company and registered firm, what ever its total income.	Three chuckrams in the rupee."

Inserrion of a new Schedule II.

30. In the said Regulation, for Schedule II, the following Schedule shall be substituted, namely :—

"SCHEDULE II.

Rates of Refund.

(*See Section 36.*)

	Refund.
(1) Less than Rs. 2,000.	Three chuckrams in the rupeee.
(2) Rs. 2,000 or upwards, but less than Rs. 5,000.	Two chuckrams and six cash in the rupee.

(3) Rs. 5,000 or upwards, but less than Rs. 10,000.	Two chuckrams and four cash in the rupee.
(4) Rs. 10,000 or upwards, but less than Rs. 15,000.	Two chuckrams in the rupee.
(5) Rs. 15,000 or upwards, but less than Rs. 20,000.	One chuckram and twelve cash in the rupee.
(6) Rs. 20,000 or upwards, but less than Rs. 30,000.	One chuckram and four cash in the rupee.
(7) Rs. 30,000 or upwards but less than Rs. 40,000.	One chuckram in the rupee.
(8) Rs. 40,000 or upwards, but less than Rs. 50,000,	Eight cash in the rupee.
(9) Rs. 50,000 or upwards, but less than Rs. 1,00,000.	Four cash in the rupee."

31. In the said Regulation, after Schedule II, the following Schedule shall be added, namely :—

Insertion of a new Schedule III.

"SCHEDULE III.

RATES OF SUPER-TAX.

(See Section 41 A.)

In respect of the excess over thirty thousand rupees of total income—

	Rate.
(1) in the case of every company—	
(a) in respect of the first twenty thousand rupees of such excess.	Nil.
(b) for every rupee of the remainder of such excess.	One chuckram in the rupee.
(2) (a) in the case of every Hindu undivided family —	
(i) in rsepect of the first fortyfive thousand rupees of such excess.	Nil.
(ii) for every rupee of the next twentyfive thousand rupees of such excess.	One chuckram and four cash in the rupee.
(b) in the case of every individual, unregistered firm and other association of individuals not being a registered firm or a company—	
(i) for every rupee of the first twenty thousand rupees of such excess.	Twelve cash in the rupee.
(ii) for every rupee of the next fifty thousand rupees of such excess.	One chuckram and four cash in the rupee.
(c) in the case of every individual, Hindu undivided family, unregistered firm and other association of individuals not being a registered firm or a company—	

(i) for every rupee of the next fifty thousand rupees of such sxcese.	One chuckram and twelve cash in the rupee.
(ii) for every rupee of the next fifty thousand rupees of such excess.	Two chuckrams and twelve cash in the rupee.
(iii) for every rupee of the next fifty thousand rupees of such excess.	Two chuckrams and twelve cash in the rupee.
(iv) for every rupee of the next fifty thousand rupees of such excess.	Three chuckrams and four cash in the rupee.
(v) for every rupee of the next fifty thousand rupees of such excess:	Three chuckrams and twelve cash in the rupee.
(vi) for every rupee of the next fifty thousand rupees of such excess.	Four chuckrams and four cash in the rupee.
(vii) for every rupee of the next fifty thousand rupees of such excess.	Four chuckrams and twelve cash in the rupee.
(viii) for every rupee of the next fifty thousand rupees of such excess.	Five chuckrams and four cash in the rupee.
(ix) for every rupee of the next fifty thousand rupees of such excess:	Five chuckrams and twelve cash in the rupee.
(x) for every rupee of the remainer of such excess.	Six chuckrams and four cash in the rupee

Statement of Objects and Reasons.

This Bill proposes various amendments to the Travancore Income Tax Regulation, VIII of 1096, as amended by Regulation V of 1100. It is proposed to enhance the rate of income tax in respect of incomes not lower than Rs. 15,000 (See the Schedule I, Part A, proposed by the Bill) and also to impose a tax on all Companies and registered firms (Schedule I, Part B) and a supertax on incomes above Rs. 50,000 (See the proposed Schedule III). The purpose of each amendment is indicated in the following Notes on Clauses. The "Sections" referred to therein are Sections of the existing Travancore Income Tax Regulation and the "Clauses" referred to are Clauses of this Bill.

Notes on Clauses.

Clause 2: sub-clause (*a*) makes it clear that in order that any income derived from any land by agriculture may be treated as "agricultural income" and as such exempt from income tax, the land must be one that pays some land revenue or local rate.

Sub-clause (*b*) proposes a new definition of the term "previous year", the substantial change effected being intended to enable any special period of accounting adopted by any assessee being recognised.

Clause 3 is intended to bring to assessment foreign income arising or accruing to a person resident in Travancore.

Clause 4 is intended to bring to assessment the perquisite enjoyed by a person in the shape of rent-free residence.

Clause 5 proposes certain amendments in Section 7 of the Regulation relating to assessment of "property" income and makes certain beneficial reservations in favour of the owner of the "property".

Clause 6 seeks to prevent the assessees from unconditionally deferring their claims to depreciation allowances and lays down the conditions under which such claims may be deferred.

Clause 7 proposes to insert a new Section which seeks to lay down that ordinarily the method of accounting regularly employed by the assessee shall be adopted for computing the assessee's income.

Clause 8, sub-clause (1) seeks to correct a verbal omission. Sub-clause (2) proposes to omit sub-section (2) of Section 14 of the Regulation. This Section provides for what is called "marginal relief". In view of the relief provided for in sub-section (1) of Section 14, sub-section (2) is not considered necessary. In the British Indian Act there is no provision corresponding to this sub-section.

Clause 9 proposes to insert a new Section (Section 15 AA) with a view to provide a new machinery for ascertaining incomes assessable to income tax, particularly supertax.

Clause 10 This is self-explanatory.

Clause 11 corrects a verbal mistake.

Clause 12 emphasises the rule that it is the fact of the assessment that counts and not the commencement of the business.

Clause 13: This inserts a new Section (Section 19 AA) which provides for the assessment of the income up to the moment of departure of a person leaving Travancore during the currency of a financial year or within so short a period of its end as to prevent the normal assessment of his income and enables the Collector to assess within the limits permissible under Section 25 of the Regulation any income for which he is liable to pay but has not paid income tax.

Clause 14 recasts Section 19 B of the Regulation with a view to make the provision more effective.

Clause 15 inserts a new Section (Section 19 BB) to provide for the payment, by the legal representative, of the tax due from a deceased person.

Clause 16 inserts a provision to the effect that the right of appeal shall not be available to an assessee who has failed to comply with the notice preliminary to assessment.

Clause 17 corrects a verbal mistake.

Clause 18 seeks to make the meaning of the provision concerned clear and unambiguous.

Clause 19 recasts Section 24 of the Regulation and makes clear that penal assessment may be made in the course of *any* proceedings under the Regulation and that what is levied is penalty and not "incometax".

Clause 20 recasts Section 25 of the Regulation to make clear that, in the case of incomes that escaped assessment in any year, it is enough if assessment proceedings are started within the statutory period and that it is not necessary to complete the proceedings.

Clause 21 recasts Section 26 of the Regulation and enlarges the power to rectify mistakes.

Clause 22 recasts Section 36 of the Regulation which provides for what is called "small incomes relief". It is proposed to place some further limitations on claims for this kind of relief.

Clause 23 deletes Section 36 A of the Regulation which provides for double income-tax relief in certain cases. This Section is not quite necessary in view of the powers available to Government under Section 43. It has moreover given room for this conception. See the case reported in 50 T. L. R., 395.

Clause 24 seeks to rectify certain omissions and to make certain consequential changes.

Clauses 25 and 26 seek to make consequential changes.

Clause 27. Chapetr VI A proposed to be incorporated by this clause and the Schedule III together make provision for supertax on incomes above Rs. 50,000.

Clause 28 proposes certain amendments to Section 50 of the Regulation to enlarge the rights of the assessee to obtain a decision of the High Court on points of law and makes provision also for the recovery of the costs, if any, awarded by the High Court in such proceedings.

Clause 29 amends Schedule I to the Regulation to enhance the rate of tax on incomes not less than Rs. 15,000.

Clause 30 amends the Refund Schedule (Schedule II) to the Regulation correspondingly to the enhancement of the rate of income tax proposed in Schedule I.

Clause 31 incorposates the Schedule of the rates of supertax.

Annexure I.

THE TRAVANCORE INCOME TAX REGULATION (AMENDMENT) BILL.

(As revised by the Select Committee.)

(The words in italics indicate the amendments suggested by the Select Committee).

A BILL FURTHER TO AMEND THE TRAVANCORE INCOME TAX REGULATION, VIII OF 1096, AS AMENDED BY REGULATION, V OF 1100.

Preamble.

Whereas it is expedient further to amend the Travancore Income Tax Regulation, VIII of 1096, as amended by Regulation V of 1100, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Regulation may be called The Travancore Income Tax (Amendment) Regulation, 111.

(2) It shall come into force at once.

Amendment of Section 2.

2. In Section 2 of the Travancore Income Tax Regulation, VIII of 1096, as amended by Regulation, V of 1100, (hereinafter referred to as the said Regulation).

(1) *in sub-section (1), clause (a), after the expression "land revenue" the words "in Travancore" shall be inserted; and*

(2) for sub-section (11), the following shall be substituted, namely:—

(11) "previous year" means—

(*a*) the twelve months ending on the last day of Karkatakam next preceding the year for which the assessment is to be made, or, if the accounts of the assessee have been made up within the said twelve months in respect of a year ending on any date other than the said last day of Karkatakam, then, at the option of the assessee, the year ending on the day on which his accounts have so been made up:

Provided that, if this option has been once exercised by the assessee, it shall not again be exercised so as to vary the meaning of the expression "previous year" as then applicable to such assessee, except with the consent of the Collector and upon such conditions as he thinks fit; or

(*b*) in the case of any person, business or company or class of persons, business or company, such period as may be determined by the Chief Revenue Authority or by such authority as it may authorise in this behalf".

Amendment of Section 3.

3. In Section 3 of the said Regulation, after sub-section (1), the following shall be inserted as a sub-section, namely;—

It will be remembered that in construing these provisions, the most important document that has to be interpreted is Regulation II of 1108 which establishes the Chambers of the Legislature in Travancore. Analysing that Regulation, it will be found that, under Section 6, the Assembly is to consist of members nominated and elected in accordance with Rules made under the Regulation. And the total number of members of the Assembly is fixed at 72. It is common ground that this number 72 does not include the Dewan, as indeed is obvious from what follows in sub-clause (2) which indicates the number and composition of the official and non-official elements of the Assembly. The sentence which follows lays down that the number of nominated members shall not be more than 24, of whom 12 shall be officials. Section 7 of the Regulation lays down that "Our Dewan shall be the President of the Assembly." It must be remembered that the Dewan is not included among the nominated members as, for instance, members of the Executive Council are included under the Government of India Act.

When, in a Statute, there are two separate provisions, one provision not referring to nor logically dependent on the other, the two provisions must be construed separately. It is clear that the composition of the Assembly, in the matter of nominated and elected members, specified in Section 6, is not interconnected with Section 7. In other words, the Dewan who is the *ex-officio* President of the Assembly is to be such President although he is neither a nominated nor an elected member by virtue of Section 6 and his Presidentship is regulated by Section 7.

I am told that the practice has been for the Dewan to take the oath or affirmation. The validity of that practice has to be examined separately. But, in regard to the question now under consideration, I have no hesitation in saying that the Dewan is not within the category of persons specifically referred to in Section 6. If that is so, nothing else in any Rule or Regulation can affect the interpretation of the Statute. Even if there be any doubt arising by reason of the interpretation of the Electoral Rules or any other rule made under the Statute, to the extent to which those Rules are inconsistent with or repugnant to the terms of the Statute, they will be inoperative *ipso facto*. But, analysing the Rules and the Regulation, I find no difficulty and no inconsistency.

My ruling, therefore, is that the Dewan is the President of the Assembly, and functions as the *ex-officio* President of the Assembly, from the moment that His Highness was pleased to appoint him as Dewan and gave the *Neet*. I therefore hold that I am entitled to preside at this meeting of the Finance Committee which, it may be added, is not a statutory body.

It may be noticed that, if the point now raised were accepted, the Dewan could not admit or reject any question or resolution for the forthcoming meeting. This is no doubt an *argumentum ab inconvenienti*, and cannot affect the construction of the Statute as such. But it is a

well-recognised rule of law that, where there are two possible constructions of a Statute, the one which produces obvious inconvenience should be rejected in favour of the one which does not produce such inconvenience."

The Committee next proceeded with the business.

I. The proposal for additional allotment to the Public Service Commissioner was considered first. The following additional grants were asked for :—

			Rs.
Contingencies.—			
Examination charges		..	3,000
Purchase and repair of furniture		...	500
Pay of menials		...	150
Anchal charges		...	700
Maintenance of electrical installation		...	500
Office expenses and Miscellaneous		...	300
			5,150
Establishment.—			
Clerks	1 on Rs. 75-5/2-100		1,314
	2 on Rs. 40-2-70		
	9 on Rs. 25-3/2-40		
Typist	1 on Rs. 25-3/2-40		
Attender	1 on Rs. 15-1/3-20		
Peons	2 on Rs. 9-1/6-11		
	Total	...	6,464

In this connection, Dr. G. D. Nokes, the Public Service Commissioner, was summoned before the Committee to enlighten the members on certain points in connection with the additional expenditure. After some discussion, the Committee approved only the following items of expenditure :—

Contingencies.		Rs.
Examination charges	...	2,000
Purchase and repair of furniture	...	500
Pay of menials	...	150
Anchal charges	...	700
Maintenance of electrical installation	...	500
Establishment.—	...	1,314
Total	...	5,164

As it was not considered necessary to hold another examination in the next six months for the selection of English-knowing clerks, only a reduced allotment of Rs. 2,000 was approved by the Committee. The non-official members said that there was a sort of general dissatisfaction about the conduct of the last examinations by the Public Service

Commissioner and that they were being run as a commercial concern. They objected to the provision under Office expenses and miscellaneous for payment of bonus to clerks and the Committee agreed to drop the proposal. Mr. Pottayil S. Krishna Panickar objected to the provision for the three clerks in the higher grades.

II. The Committee next approved the proposal for the provision of a sum of Rs. 3,500 as per the following details in connection with the Research Scheme of the root diseases of the cocoanut palm in South India, financed by the Imperial Council of Agricultural Research, New Delhi:—

			Rs.
1.	Purchase of chemicals and appliances	...	1,500
2.	Purchase of books and periodicals	...	1,500
3.	Wages to coolies	...	500
	Total	...	3,500

III. The proposal for the provision of a sum of Rs. 4,980 on account of the acquisition of land for the construction of customs house, godowns and wharves in connection with the opening of a Port at Neendakara was approved by the Committee. In this connection, the non-official members urged the desirability of improving and developing the Ports of South Travancore. The President observed that it was the idea of Government to investigate the question of improving the Ports to the South of Alleppey.

IV. The proposal for the provision of a sum of Rs. 11,998 in the Budget for the maintenance and working of the Grab Dredger for the Alleppey Port for the rest of the year 1112 M. E. was accepted by the Committee. Mr. Pottayil S. Krishna Panickar said that the sea at Alleppey is very boisterous and that it would not be safe to keep the Dredger in the open sea. Rao Bahadur Dr. N. Kunjan Pillai said that the Chief Engineer will be asked about this.

V. The Committee approved the proposal for the provision of a sum of Rs. 51,880 for the completion of the construction of permanent buildings for the Leper Colony at Noornad. Incidentally, the President observed that unfortunately the incidence of leprosy in the State was high and that no time should be lost in regard to the completion of the buildings at Noornad.

2. A list of the items of expenditure authorised by the Government, under Section 32 of the Legislative Reforms Regulation, II of 1108, after the last session of the Sri Mulam Assembly was circulated among the members of the Com ittee, as undertaken by the Chairman at the last meeting of the Public Accounts Committee. There was no discussion of the same.

3. The business being finished the Committee adjourned *sine die* at 12-55 P. M.

K. MADHAVA KURUP,
Convener,
Standing Finance Committee.

Trivandrum,
14th November 1936.

Annexure II

REPORT
OF THE
PUBLIC ACCOUNTS COMMITTEE ON THE AUDIT AND APPROPRIATION ACCOUNTS OF 1110 M. E.

G. O. D. Dis. No. 297 of 35/Legis., dated 7th September 1935 and D. Dis. No. 126 of 36/Legis., dated 12th June 1936.

PUBLIC ACCOUNTS COMMITTEE.

Read :—

Under Section 79 of the Travancore Legislative Rules issued under date the 29th October 1932, the Government of His Highness the Maharaja have been pleased to constitute a committee on Public Accounts composed of the following members for the year 1111 M. E.

1. Khan Bahadur Nawab Sir, Muhammad Habibullah Sahib Bahadur, K. C. S. I., K. C. I. E., Kt., LLD., Dewan of Travancore—Chairman.
2. Rao Bahadur Dr. N. Kunjan Pillai, M. A., B. Sc, Ph. D., Chief Secretary to Government.
3. Rao Bahadur A. Rengasvami Aiyar, B. A., Financial Secretary to Government.

Non-official.

M. R. Ry. K. N. Kesavan Nambootiripad Avl., M. A., B. L., Member, Sri Chitra State Council.

,, K. Kunjukrishna Pillai Avl., B. A., B. L., Member, Sri Mulam Assembly.

,, T. Krishna Pillai Avl., B. A., B. L., Member, Sri Mulam Assembly.

By Order,
N. KUNJAN PILLAI,
Chief Secretary to Government.

REPORT

OF THE

PUBLIC ACCOUNTS COMMITTEE ON THE ACCOUNTS OF 1110 M. E. (1934-35).

1. The Committee on Public Accounts for the year 1111 constituted under Government orders D. Dis. No 297 of '35/Legis., dated 7th September 1935 and D. Dis. No. 126/36/Legis., dated 12th June 1936 held its sittings on 17th June 1936 and 19th June 1936.

2. The Audit and Appropriation Report for the year 1110 prepared by the Account Officer was examined in detail.

PART I.

Appropriation accounts.

Comparison of the actuals with grants.

3. The following table compares the total grants voted by the Legislature with the total expenditure against those grants.

Particulars.	Expenditure charged to Revenue including working expenses.	Capital Expenditure and Investment Account.	Loans and Advances.	Total
	Rs.	Rs.	Rs.	Rs.
Amount originally voted	1,55,34,931	29,97,578	5,28,000	1,90,60,509
Supplementary grant voted	1,15,362	1,28,800	..	2,44,162
Additional grant under Section 32	1,99,882	60,000	..	2,59,882
Total grant	1,58,50,175	31,86,378	5,28,000	1,95,64,553
Total Expenditure	1,53,06,762	31,81,784	3,00,984	1,87,89,530
Savings	5,43,413	4,594	2,27,016	7,75,023

During the year an improvement was noticeable in budget forecasting as compared with the previous year. *Vide* statement given below:—

Year.	Total No. of grants.	No. in which savings occured.	Amount of savings.
1109	35	32	23,39,505
1110	35	28	7,75,023

New services.

4. Under rule 10 of the Public Accounts Committee (Supplemental) rules, the Financial Secretary had placed before the committee a list of supplementary grants obtained by the Government during the year 1110 for schemes of new expenditure treated as "new services" for the opinion of the committee whether they were new services or not. We agreed with the Financial Secretary as regards the items included in the list excepting Mr. K. Kunjukrishna Pillai who was, however, of opinion that items 1 and 2, *viz.*, "For the opening of a Special Survey Class" and "For the printing of 500 copies of the wall map of Travancore" were not new services which could not have waited till the regular budegt session.

Supplementary grants obtained unnecessarily.

5. The statement of supplementary grants obtained unnecessarily is given below :—

No. of grant.	Name of grant.	Original grant.	Supplementary and additional grant voted.	Supplementary and Addl. grant sanctioned under Sec. 32 of Reg. II of 1108	Final grant.	Actual expenditure.	Savings as compared with the original grant.
I	20. Education	46,04,579	38,644	..	46,43,223	45,71,229	33,350
II	(a) 29. Buildings, communications &c.	26,40,501	8,200	1,29,200	27,77,901	26,04,116	..
	(b) 30. Protective Irrigation	2,87,700	..	..	2,87,700	2,57,515	..
	(c) 34. Irrigation Capital Account	20,300	7,000	..	27,300	32,647	..
	(d) Productive Irrigation Working Expenses	54,000	..	..	54,000	48,534	..
	(e) Willingdon Water Works do.	94,325	..	..	94,325	57,357	..
	(f) Do. Capital Expenditure	3,29,900	..	..	3,29,900	2,14,088	..
	(g) Construction of a Bridge at Neriamangalam across the Periyar	1,75,000	..	..	1,75,000	1,69,279	..
	Total of Grant No. II.	36,01,726	15,200	1,29,200	37,46,126	34,13,536	1,88,190
IV	22. Industries	1,45,531	..	4,500	1,50,031	1,41,646	3,885
VII	2. Taxes on Income.	22,151	700	...	22,851	19,752	2,399
X	16. Administration of Justice	10,62,894	75	2,551	10,65,520	10,21,435	41,459
XII	15 General Administration—Heads other than Account Office and Legislative Bodies	2,42,254	..	2,500	2,44,754	2,39,623	2,631
XIV	Do. Account Office	1,64,216	..	1,000	1,65,216	1,59,180	5,036
X .	23 Medical, Public Health and Sanitation—Medical	8,44,996	15,000	..	8,59,996	7,91,783	53,213
XXIV	27. Stationery and Printing	2,77,640	11,900	..	2,89,540	2,63,635	14,005
XXV	28. Scientific and Miscellaneous Departments—Co-operative Dept.	79,541	2,165	..	81,706	75,049	4,492
	Total.	1,10,45,528	83,684	1,39,751	1,12,68,963	1,06,96,868	3,48,660

While examining the above statement, we went through the explanations forwarded by the Departmental Officers for having applied for supplementary grants when funds were available under the original grant and found that it was not possible for them to gauge the savings at the time the supplementary grants were applied for. (For further details *vide* paras 4 and 7 of the proceedings.)

Expenditure authorised under Section 32 of Regulation II of 1108.

6. We noted that there was a substantial reduction in the total expenditure authorised during the year under Section 32 as compared with that for the previous year, the amounts being Rs. 2,59,882 only during 1110 against Rs. 5,26,853 during 1109. The question of establishing a convention of consulting the Standing Finance Committee before any item of expenditure was authorised under Section 32 was then discussed. The Chairman agreed that in future a list of the items had been sanctioned under Section 32 during the period between two meetings of the Finance Committee may be placed before the Committee at its next meeting and that the opinion of the representatives of the Legislature in the Committee may be informally taken. (For further details *vide* para 5 of the proceedings.)

7. The expenditure exceeded the final voted grant under the following heads: —

Excess Expenditure under Voted Grants.

Grant No.	Name of Grant.	Original Grant.	Supplementary and additional grant voted.	Supplementary and Additional grant sanctioned under Section 32 of Regulation II of 1108.	Diversion.	Final Grant.	Actual Expenditure.	Excess.
	Electricity and Telephone.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
III	Electric Supply and Telephone—Working expenses	1,77,441				1,77,441	2,35,501	
	Electric installation in Government buildings etc.	1,02,089				1,02,089	86,731	
	Investments on Reproductive Works.							
	Trivandrum Electric Supply and Telephone	93,400			(—) 29,200	64,200	70,848	
	Electric Supply to Quilon Town	84,800			(—) 40,800	44,000	45 089	
	Pallivasal Hydro Electric scheme	20,29,878			(+) 70,000	20,99,878	21,70,093	
	Total of Grant No. III	24,87,608				24,87,608	26,08,262	1,20,654
VI	Land Revenue	9,30,505	5,745	6,226		9,42,476	9,44,022	1,546
XVII	23. Medical Public Health and Sanitation—Public Health and Sanitation	2,45,985	200	10,000		2,56,185	2,60,253	4,068
XVIII	8. Registration	3,16,249				3,16,249	3,22,241	5,992
XX	17. Jails	83,700		3,300		87,000	88,221	1,221
XI	19. Ports	21 045				21,045	21,288	243
XXX	Capital Expenditure—Railways	29,600		60,000		89,600	1,05,768	16,168
	Grand Total	41,14,692	5,945	79,526		42,00,163	43,50,055	1,49,892

Excess expenditure under voted grants.

We note that the total amount of excess expenditure during the year was less than that in the previous year, the amounts being Rs. 1,49,892 during 1110 and Rs. 7,63,077 during 1109. The excess expenditure under the grants Land Revenue, Registration, Jails and Ports was due to the payment of leave allowances for which no provision was made in the budget.

The general question of making provision for leave allowances in the budget in future was next discussed. The Committee recommended that the present system might continue, since under the proposed arrangement, the provision for leave allowances was likely to be over-estimated and reappropriated to other items within the grant in order to avoid supplementary demands. Further, the present system is more economical than the practice in British India of including provision for leave salary in the cadre itself.

Variations between Budget and Actuals.

8. The explanations furnished for the variations between the budget estimate and the actuals both under receipts and expenditure were examined and we were satisfied with them.

Particular attention was paid to the savings in the provision under "Protective Irrigation" since a lot of irrigation works still remained to be done. The Chairman informed the committee that the works were not executed since the estimates had not been got ready and necessary lands acquired. (*Vide* para 14 of the proceedings).

The fact that out of Rs. 10,000 provided in the budget for the amelioration of the depressed classes a sum of Rs. 4,115 only was spent during 1110 was noted by the committee. (*Vide* para 18 of the proceedings).

Statement of Assets and Liabilities. Deposits with the State-aided Bank.

9. Mr. U. Padmanabha Kukkillaya, Head Sirkar Vakil and Government Director, State aided Bank, was examined as a witness with a view to ascertain whether the deposits with the State aided Bank were safe and whether the Government would be justified in taking them as good assets and also to know whether Government have taken any steps to reorganise the Bank. (*Vide* paras 16 and 17 of the proceedings for details.)

Work of Marketing Officers.

10. Mr. K. Paramesvaran Pillai, Director of Agriculture and Fisheries, was examined as a witness with a view to get an idea of the work that is being turned out by the Marketing Officers. (For details *vide* para 19 of the proceedings.

Sales Depots, Trivandrum and Bombay, the Rubber Factory and the Travancore Sugars.

11. Mr. C. Kumara Das, Industrial Chemist in charge of the duties of the Director of Industries was examined as a witness in regard to the working of the Rubber Factory he Travancore Sugars and to the Sales Depots at Trivandrum and Bombay. (For details *vide* para 20, the proceedings.)

PART II.

Audit Report.

Financial and other irregularities.

12. We went carefuly into the cases of defalcations, misappropriations and other financial irregularities mentioned in the Audit and Appropriation Report. Mr. Kesavan Nambootiripad pointed out that the punishments accorded in several cases were not adequate.

The necessity for devising measures to prevent defalcations as far as possible in feature and for discovering them at the earliest stage, was discussed. The Chairman stated that a conference was held at Bhaktivilas for the above purpose and that the proposals of the conference had been taken note of by the Government.

Stock taking reports.

13. The Committee suggested that the results of stock-taking should be published in the Audit Report. (*Vide* para 8, page 14 of the proceedings.)

Publications of the Audit Report.

14. We were of opinion that the Audit and Appropriation Report should be split up into two and that the Audit Report should be published somewhat earlier in future. The Chairman agreed to arrange for this.

Miscellaneous observations.

Tobacco cultivation.

15. While dealing with the reasons for the fall in tobacco revenue (Para 22, page 11 of the Audit and Appropriation Report) the question of cultivation of tobacco in the State was discussed. The Chairman informed the committee that the rules regarding the same were being considered by the Government and that after they were passed, applications for the cultivation of tobacco would be considered.

Trespassers in cardamom lands.

16. Similarly while dealing with the fall in Customs revenue [Para 23 (3), page 11 of the Audit and Appropriation Report], the question of eviction of trespassers on cardmom lands was discussed. The Chair-man stated that a survey was being conducted to detect encroachments and that no further time will be given to these trespassers to pay the *tharavila*

Reduction of interest on Savings Bank Deposits.

17. The question having been asked whether the interest on the deposits in the Government Savinge Bank could not be reduced in view of the slump in the money market, the Financial Secreatary replied that the matter was under consideration.

As in the previous year we append to our Report the minutes of our proceedings which we consider should be treated as part of the Report.

M. Habibullah. (Chairman)

N. Kunjan Pillai.
A. Rengasvami Iyer.
K. N. Kesavan Nambootiripad.
T. Krishna Pillai.
A. Kunjukrishna Pillai

Members.

1st August 1936.

PROCEEDINGS OF THE MEETING OF THE PUBLIC ACCOUNTS COMMITTEE.

FIRST DAY.

Wednesday, the 17th June 1936.

Present:—

1. Khan Bahadur Nawab Sir Muhammad Habibulla, Dewan of Travancore (Chairman).
2. Rao Bahadur Dr. N. Kunjan Pillai, Chief Secretary to Government.
3. Rao Bahadur A. Rengasvami Aiyar, Financial Secretary to Government.
4. Mr. K. N. Kesavan Nambootiripad, Member, Sri Chitra State Council.
5. Mr. T. Krishna Pillai, Member, Sri Mulam Assembly.
6. Mr. K. Kunjukrishna Pillai, Member, Sri Mulam Assembly.

The Committee met at 11-30 A. M. in the Dewan's Office in the Huzur Cutcherry.

Mr. R. Nilakanta Pillai, Account Officer was also present.

1. The Chairman stated that since the non-official members had not sent in any questions on the Audit and Appropriation Report for 1110 M. E., the only profitable method of reviewing the Report would be to survey generally its important features.

Savings nnder voted heads.

2. The first point, he said, related to unspent balances. There was a balance of Rs. 23,39,505 during the year 1109 cut of the grants made by the Legislature. But in 1110, the balance was only Rs. 7,75,023. This made it clear that as a result of the criticisms made by the Committee the estimates approximated more to the actual requirements during 1110 than during 1109. However one point had to be made clear. It was inconceivable that all the amounts granted would be spent completely within the year. The Government had, therefore, to see that the allotment was not spent uneconomically simply because money was available in the budget. There might be occassions when a little more economy could be effected. Government had made this clear to the Heads of Departments recently by means of a circular.

Supplementary grants obtained for schemes of new expenditure treated as "new services."

3. The Chairman then drew the attention of the members to pages 33 to 36 of the report containing a statement of the supplementary grants. Under Rule 10 of the Public Accounts Committee (Supplemental) Rules, the Financial Secretary had placed before the committee a list of those items of supplementary grants obtaind by the Government during the year 1110 for schemes of new expenditure treated as "New services" (*Vide* Appendix A). The Chairman requested the members to offer their remarks on the various items in the list. Mr. Kunjukrishna Pillai stated as instances that items 1 and 2 *viz*,, "For the opening of a

Special survey class" and "For printing 500 copies of the Wall Map of Travancore,' were not in his opinion new services which could not have been anticipated earlier or which could not have waited till the regular budget session.

4. Mr. Kunjukrishna Pillai referred to paragraph 6, page 3, of the Appropriation Report, which runs as follows: —

"When the amount voted in the budget for a grant for which the vote of the Legislature is necessary is found to be insufficient for the purpose for the current year or a need arises during the year for expenditure for which the vote of the Legislature is necessary upon some new service not contemplated in the budget of the year, an estimate is presented to the Assembly and the Council for a supplementary or additional grant."

He said that certain supplementary demands had been made on the ground that the original grant was not sufficient. Yet some of these supplementary grants had not been spent. That was an irregularity. Again grants under one head were allowed to lapse and then transferred to another head in order to avoid a supplementary demand. That was improper.

The Chairman admitted that it would be improper to ask for a supplementary grant when the Head of the department anticipated savings under a particular item. But if that could not have been forceseen, there was no impropriety in having moved for such a grant.

The Financial Secreatry stated that, if savings were allowed to lapse, and if at the same time, supplementary grants were to be applied for because money was needed under other minor heads, without re-appropriation from one minor head to another, the result would be that the number of supplementary grants would increase.

Mr. Kunjukrishna Pillai pointed out that Heads of Departments could easily circumvent the control of the Legislature in the first instance by lavish over-estimating and later on re-appropriating the money to other minor heads.

The Cairman replied that it was impossible te over-estimate since all the detailed items were shown in the Budget. He further stated that this rule was not peculiar to Travancore. It existed both in the Government of India and the British Indian Provinces. That was the most convenient arrangement.

Mr. Kunjukrishna Pillai said that the practice in British India was all right because the Auditor-General, who was appointed by the Secretary of State exercised an effective cheek over expenditure. The Chairman pointed out that here also the Account Officer is expected to exercise the same control.

Expenditure sanctiond under Section 32 of Regulation II of 1108.

5. The Chairman next brought to the notice of the Committee that the expenditure authorised under Section 32 of Regulation II of 1108 during the year 1110 was only Rs. 2,59,882 against the expenditure of Rs. 5,26,853 authorised during 1109.

Mr. Kunjukrishna Pillai requested to be informed whether, as undertaken by the Dewan—Chairman at a previous meeting of the Committee, the convention of consulting the Standing Finance Committee, before any item of expenditure was authorised under Section 32, was followed. The Committee was functioning throughout the year and could have been summouned at any time.

The Chairman replied that the question was subsequently given full consideration and it has been settled that Section 32 should be resorted to only in very emergent cases. In such cases, Government could not wait till the Finance Committee met. If the Committee was to be consulted after the expenditure, it would not be complimentary to it or serve any useful purpose Under the rules, of course, the Finance Committee need not be consulted. It would also not be practicable or necessary to summon the Committee merely for the purpose of consulting it about these cases. It was therefore decided to continue the present practice of consulting it whenever possible.

Mr. Kunjukrishna Pillai stated that he was not standing upon technical rules and claiming that the rule must be changed, so that the Finance Committee must be consulted invariably regarding expenditure under Section 32, but was urging that there must be a convention that as far as possible expenditure should be incurred only after consulting the Finance Committee and ascertaining its views. Some of the items of authorised expenditure were not at all of an urgent nature, as for instance, the sanction for the constuction of the Leper Colony at Noornad, If in some cases at least, Government out of courtesy consulted the Finance Committee, the non officials could bring their view point to bear upon the questions whereby the whole course might be changed and the expenditure avoided. He said that his information was that in the Government of India, there was such a convention.

The Chairman stated that it was not so and that to the best of his recollection, the Government of India did not consult the Finance committee at all in such cases. The Governor-General simply authorised the expenditure. In the Provinces also the Governors authorised the expenditure without consulting the Finance Committee. Here it was only in very rare and extremely urgent cases that the Dewan resorted to such authoris tion of expenditure. The Chairman however agreed that in future, a list of the items that had been sanctioned under Section 32 during the period between two meetings of the Finance Committee may be placed before the Committee at the next meeting and that the opinion of the representatives of the Legislature in the Committee may be informally taken. That would also cover cases in which some of the expenditure authorised had been incurred and some still remained to be incurred. The views of the Committee would be useful to Government in dealing with similar cases in the future.

Mr. Kunjukrishna Pillai questioned the propriety of the authorisation of expenditure of Rs. 70,000 for the construction of the Noornad Leper Colony and pointed out that this was not at all an item which could not have been foreseen at the time of budgeting.

The Chairman explained that the authorisation was found necessary under the following circumstances. The original idea was to finish the buildings section by section; when one building was finished the lepers would move in; and then another building would be taken up for construction. But it was found that the workmen would not do their work in the buildings once the lepers occupied them. Hence it was found necessary to finish all the buildings at one time before the lepers were allowed to occupy them. So this expenditure could not be delayed.

He also explained the reasons for the authorisation of the expenditure of Rs. 21,000 for the removal of sand accretion at the Alleppey Pier, and of Rs. 38,200 for the construction of an Aerodrome at Trivandrum.

Mr. T. Krishna Pillai referred to the authorisation of expenditure of Rs. 1,500 for advertisement and contingencies for the Trade Agent, Bombay (Grant No. IV, page 36 of the Report), and asked what was the urgency of the advertisement.

The Chairman replied that the Agent had represented that the advertisements were essential.

Excess over voted grants.

6. The Chairman next referred to the statement of excess expenditure over voted grants, given on page 37, para 107 of the Report. The total amount of such excess during 1110 was only Rs. 1,49,892 as against Rs. 7,63,077 during 1109. There was a considerable fall due to the fact that greater scrutiny had been exercised.

Unnecessary grants.

7. The Chairman next referred to the question of unnecessary grants (*Vide* pages 41 and 42 para 122, Audit and Appropriation Report.) He stated that the question was discussed by the Committee last year and by the Sri Mulam Assembly in its Vrischikam Session.

The following replies furnished by departmental officers as to why they had applied for supplementary grants when the expenditure was capable of accommodation within the original sanctioned grant were read out.

(i) *The Director of Public Instruction.*—The supplementary grant was moved because the payment of compensation for loss of fee income was a new service and the savings that resulted were mainly under salaries.

(ii) *The Chief Engineer.* The supplementary grants were (*a*) for the construction of the boundary pillars at Neendakara Anchorage, (*b*) for the Leper Colony, (*c*) for the Aerodrome at Trivandrum, and (*d*) for the removal of sand accretion at the Alleppey Pier. The grants sanctioned under items (*b*) and (*d*) were fully spent while those for items (*a*) and (*c*) were only partially spent due to circumstances which could not have been foreseen. Similarly savings in the original grant for the year were also due to circumstances which could not have been foreseen at the time the additional grants were applied for.

(iii) *The Director of Industries.* The supplementary grant was for the office of the Trade Agent, Bombay, and it was not possible at the time to anticipate the ultimate savings.

(iv) *The Land Revenue and Income Tax Commissioner.* The supplementary grant was for the supply of furniture for the use of the Income-Tax Collectors. It was not possible to foresee the savings either under establishment charges or under travelling allowance at the time the supplementary grant was asked for.

(v) *Registrar, High Court.* It was not possible to anticipate in the middle of the year the extent of savings that would eventually result and hence demands had to be made for additional grants for new items of expenditure.

(vi) *The Chief Secretary to Government.* The supplementary grant under "Huzur Cutcherry—Travelling Allowance" was applied for as it was not possible to anticipate at the time the savings which were ultimately available under establishment charges.

(vii) *The Account Officer.* There was heavy increase in the volume of correspondence in the office in connection with the working of the Provident Fund and Life Insurance (Public Branch) Scheme, and that funds were not available under "Contingencies" for diversion to "Anchal charges". The savings in the office were under "Salaries" and "Establishment charges".

(viii) *The Darbar Physician.* The supplementary grant of Rs. 15,000 was required for urgent improvements to the General Hospital. It was not then possible to anticipate any savings to meet the expenditure.

(ix) *The Registrar of Co-operative Societies.* The supplementary grant was moved with a view to place the Devadar Committee's Report for discussion in the Legislature.

The Committee adjourned for lunch at 1 P. M.

The Committee re-assembled at 2-20 P. M. with Rao Bahadur Dr. N Kunjan Pillai in the chair.

Stock-taking Reports.

8. Mr. K. N. Kesavan Namputiripad, referring to the additional grant of Rs. 700 for stock-taking of the type plant in the Government Press and Central Prison Press (Grant No. XXIV, page 34 of the Report, requested that information about the result of the stock-taking might be published in the Report. This was accepted by the Chairman.

Tobacco Cultivation.

9. Mr. T. Krishna Pillai referring to the decrease in the Tobacco revenue (page 11 para 22 of the Audit and Appropriation Report) wanted to know what steps the Government had taken regarding cultivation of tobacco in Travancore.

The chairman replied that the draft rules, which were published in the Gazette for public criticism, were now under consideration and that Government would be prepared to consider applications for permission to cultivate tobacco after these rules were passed.

Trespassers in Cardamom lands.

10. To a question from Mr. Kunjukrishna Pillai about the eviction of trespassers in cardamom lands [para 23 (2), page 11 of the Report], the Chairman stated that a survey was being conducted to detect encroachments. It was also stated, that no further time would be given to these trespassers to pay the *tharavila*.

Reduction of interest on the deposits in the Government Savings Bank.

11. Mr. T. Krishna Pillai asked whether it was not possible, in view of the slump in the money market, to reduce the interest on the deposits in Savings Bank (*Vide* para 56, page 17 of the Report) The Financial Secretary replied that the matter was under consideration.

Receipt Audit.

12. Mr. Kesavan Namputiripad desired to know if the audit of receipts and expenditure of the Water Works Department was being conducted as in the case of the Electrical Department.

The Financial Secretary stated that the Audit Department did not at present concern itself with the audit of receipts in any department. The receipts were checked by the officers of the department in the course of their administrative duties. The expenditure was being audited as usual.

Provision for leave allowances in the budget.

13. The question of making provision for leave allowances in the budget in future with a view to prevent excess expenditure on that account (para 132 (8), page 48 of the Report) was then discussed. The Committee decided that the present system might continue, since under the proposed arrangement, the provision made for leave allowances was likely to be over estimated and to avoid supplementary demands it might be reappropriated to other items within the grant. Further, the present system is more economical while the practice in British India of including provision for leave salary in the cadre itself is more costly.

Savings under Protective Irrigation.

14. Mr. T. Krishna Pillai referred to para 83, page 21 of the Report, regarding the transfer of Rs. 73,000 from the allotment for Protective Irrigation and pointed out that the transfer was quite unjustifiable since a lot of works had to be done.

The Chairman informed him that the works could not be executed as the estimates were not ready and necessary lands were not acquired. Next year it would be possible to utilise the whole allotment since lands would have been acquired and estimates for works sanctioned by that time.

AUDIT REPORT.

The Committee then took up the consideration of the Audit Report.

D. C. B. Statements from Colleges.

15. Mr. Kunjukrishna Pillai asked whether the Account Department insisted on D. C. B. statements from the Colleges.

The Financial Secretary replied that these statements were now being furnished to the Financial Assistant under the Director of Public Instruction who examined them in detail.

The Meeting adjourned at 4 P. M. to meet again at 11-30 A. M. on Friday the 19th June 1936.

SECOND DAY.

Friday the 19th June 1936.

Present :—

1 Khan Bahadur Nawab Sir Muhammad Habibullah, Dewan of Travancore (Chairman).
2 Rao Bahadur Dr. N. Kunjan Pillai, Chief Secretary to Government.
3 Rao Bahadur A. Rengasvami Aiyar Financial Secretary to Government.
4 Mr. K. N. Kesevan Namputiripad, Member, Sri Chitra State Council.
5 Mr. T. Krishna Pillai, Member, Sri Mulam Assembly.
6 Mr. K. Kunjukrishna Pillai, Member, Sri Mulam Assembly.

Witnesses :—

(1) Mr. U. Padmanabha Kukiliya, Head Sirkar Vakil.
(2) Mr. K. Paramesvaran Pillai, Director of Agriculture and Fisheries,
(3) Mr. C. Kumaradas, Industrial Chemist in charge of the duties of the Director of Industries.

Mr. R. Nilakanta Pillai, Account officer was also present.

The Committee met at 11-30 A. M. in the Dewan's Office in the Huzur Cutcherry.

The State Aided Bank.

16. In referring to the question of examining Mr. Padmanabha Kukiliya Government Director of the State Aided Bank as desired by the members on the previous day, on certain matters connected with the State Aided Bank, the Chairman observed that the same question arose last year also and that the legal opinion which was called for on that occasion was not in favour of the Head Sirkar Vakil being examined

as a witness. He said that the Head Sirkar Vakil could not be expected to furnish information regarding delicate matters about the Bank, firstly because he himself was a Director of the Bank and secondly he being the Legal Adviser to Government, his opinion in that capacity could not be made public.

Mr. Kunjukrishna Pillai said that it was not his desire to ask anything about the internal affairs of the Bank or the opinion of the Head Sirkar Vakil in his capacity as the Legal Adviser to Government. His desire was only to obtain information regarding the cash credit account of the Government with the State Aided Bank, how it stood at the time, whether it was safe and whether the Government would be justified in taking it as a good asset. He also wanted to know what action had been taken by the Government Director of the Bank with regard to the suggestions made by the Government to improve the condition of the Bank.

The President allowed Mr. Kukiliya to be examined and to be asked such suggestions as would not impinge on delicate grounds.

Witness :—

Mr. U. Padmanabha Kukiliya, Head Sirkar Vakil.

17. Mr. Kunjukrishna Pillai wanted to know whether the Bank had paid the instalments to the Government in 1110 as specified in the agreement with them.

Mr. Kukiliya said that out of Rs. 2½ lakhs which had to be paid to Government in instalments, the Bank had defaulted two instalments in 1110.

Mr. Kunjukrishna Pillai next enquired whether the Government Director had done anything with regard to the suggestion of Government for the reorganisation of the bank. Mr. Kukiliya answered that nothing was done so far. He further said that there was nothing for the Government Director to do. The Chairman of the Bank had even objected to the Government Director attending the extraordinary general meetings of the shareholders of the bank. Mr. Kunjukrishna Pillai asked whether it was not the duty of the Government Director to see that the proposals put forward by the Government were accepted by the bank so that it might tide over difficulties and that the amounts advanced by Government might be safe. To a question as to what the Government Director was doing when the bank extraordinary general meeting was being held, Mr. Kukiliya replied that he was in the adjacent room along with the member Mr. Kunjukrishna Pillai. Mr. Kunjukrishna Pillai then wanted to know why the Government Director was seated in the adjacent room and did not attend the meeting. Mr. Kukiliya replied that at the meeting of the Board he was told he could not attend the meeting though he said that he was ready there to give any information that the shareholders wanted of him. In answer to another question, he further stated that Government could cancel the agreement with the bank if they so desired. When asked whether they had not yet thought it necessary to do so, Mr. Kukiliya said he could not answer the

question. He said that any proposal for the reorganisation of the bank must come from the share-holders themselves in the form of resolutions. The Government Director by himself was helpless either in the Directors' meeting or in the General body meeting.

Mr. Kunjukrishna Pillai asked whether the Government had put forward certain minimum demands for the acceptance of the bank, Mr. Kukilya answered in the affirmative. Mr. Kunjukrishna Pillai then asked whether Government climbed down from that position and accepted now certain proposals put forward by Mr. V. Subba Aiyar and others. Mr. Kukiliya said that there was no climb down and the change in Mr. Subba Aiyar's proposals was very slight.

Mr. Kunjukrishna Pillai then referred to the figures relating to the State Aided Bank in the Assets column in page 26 of the Audit and Appropriation Report and enquired whether they could really be called assets. The Chairman said that until they were written off, they should be regarded as real assets.

Mr. Kunjukrishna Pillai asked if no general meeting was allowed to be held, whether the financial interests of the bank would not be adversely affected. Mr. Kukiliya said that meetings must be held.

Lapsing of funds provided for the amelioration of the depressed classes.

18. The Committee then turned their attention to page 75 of the Audit and Appropriation Report.

Mr. Kesavan Namputiripad pointed out that out of the provision of Rs. 10,000 for the amelioration of the depressed classes a sum of Rs. 4,115 only was spent in 1110. The Chairman regretted the low expenditure and assured the Committee that during 1112 the progress of work in that Department would be better. He also stated that the suggestion to amalgamate the Protector of Depressed Classes with the Commissioner of Labour if and when created would be considered.

Witness :—

Mr. K. Paramesvaran Pillai, Director of Agriculture and Fisheries.

Marketing Officers.

19. Mr. Kunjukrishna Pillai asked why there was so much delay in the appointment of the Marketing Officers even though the amount required for the purpose was brought up as a supplementary grant. The Director of Agriculture said that the various applicants had to be interviewed and the best among them selected. This was one of the reasons.

Mr. Kunjukrishna Pillai then wanted to get an idea of the work so far done by the Marketing Officers. The Director said that they were conducting marketing surveys on the lines chalked out by the Government of India and they had sofar finished surveys on eggs, wheat, linseed and ground-nut. Preliminary surveys in regard to paddy, mango, banana, pineapple, and some other articles were over and that the survey on cocoanut will be begun immediately.

He said that the aim of this survey was to help the producers as much as possible and also to see that only a reasonable profit was taken by middle men. The President referred to the importance of grading and packing of articles.

In answer to a question, Mr. Paramesvaran Pillai said that the duty of finding out out-side markets was also included within the scope of the marketing officers.

The Chairman pointed out the need for having co-ordination with the Central Organisation. He said that the Government of India were having their Trade Agents all over the world.

The Director said that the question of freight will also be considered by the Central Organisation.

Witness :—

Mr. C. Kumaradas, Industrial Chemist in charge of the duties of the Director of Industries.

20. *Sales Depots at Trivandrum and Bombay.*—In answer to a question by Mr. T. Krishna Pillai, Mr. Das gave information about the rates of commission charged on articles sold in the Sales Depot.

Mr. Das in answer to another question of Mr. T. Krishna Pillai said that giving publicity to Travancore articles, conducting exhibitions out-side the State and sale of Travancore goods, were some of the chief functions of the Trade Agent at Bombay. He also said that if we take into account only the money spent and money received on account of the Sales Depot at Bombay it was a loss.

Mr. Namputiripad wanted to know whether articles required for the Industries Department were supplied by the Sales Depot at Trivandrum. Mr. Das said that some of the articles were supplied by it.

21. *Rubber Factory.*—In answer to a question by Mr. T. Krishna Pillai whether any market has been found for articles manufactured in the factory, Mr. Das said that Government had very recently appointed a firm as the sole agents for the sale of various kinds of goods made there. He said that the maximum out-put of the factory per day would be Rs. 3,000 worth of goods. He also said that there was a Testing Machine in the factory to test the quality of the articles produced there.

Mr. T. Krishna Pillai suggested the appointment of a board consisting of officials and non-officials to make periodical visits to the factory and tender their advice. The Chairman said that it was a good idea and would be considered when the Ceramic Factory also was established. The Chief Secretary made it clear that the board suggested would only be an advisory one.

22. *Sugar Factory.*—Mr. Das, in reply to a question said that the Factory was still working and that there was no idea of stopping it.

The Chairman said that the former contract had been cancelled and that there was no idea of giving up the Factory which was the only one of its kind in Travancore.

Mr. Kunjukrishna Pillai impressed the Committee with the necessity of running the Factory as a Government concern.

Defalcations.

23. The Committee turned their attention to the question of defalcations.

Mr. Kesavan Namputiripad pointed out that punishments for defalcations were not adequate and in proportion to the amounts misappropriated.

The Financial Secretary referred to page 104 of the Audit Report and said that there were two cases of dismissal.

The Chairman said that a conference was held at Bhakti Vilas to discuss about the measures to be adopted for the prevention of defalcations, as far as possible, and to discover the same at the earliest stage and that the proposals of the conference have been taken note of by Government.

Then Mr. Namputiripad referred to para No. 48 of the Audit Report and stated that no police investigation was made. The Chief Secretary said that the Police had investigated the case.

Audit Report to be published earlier.

24. Mr. Kunjukrishna Pillai wanted to know whether it would not be possible to split up the Audit Report and Appropriation Report into two parts and give copies of the Audit Report at least to the non-official members earlier than was done at present. The Chairman said that the Audit Report would be published separately, and earlier than at present in future.

The business being over, the Committee adjourned *sine die* at 1 P. M.

(Approved by the members.)

A. RENGASVAMI AIYAR,
Financial Secretary to Government, and Convener and Secretary, Public Accounts Committee.

Trivandrum,
1st August, 1936.

Annexure A.

Finance Department.

Under Rule 10 of the Public Accounts Committee Supplemental Rules I beg to place before the Public Accounts Committee the following list of Supplementary grants obtained by the Government during the year 1110 for schemes of new expenditure treated as "new services" for the opinion of the Committee as to whether they are "new services" or not.

No. of grant.	Name of Major Heads.	Particulars.	Amount.
		A. (Grants voted by the Legislature.)	
			Rs.
VI.	1. Land Revenue	For the opening of a special survey class	900
Do.	Do.	For printing 500 copies of the Wall map of Travancore	1,845
VIII.	3. Salt	For the staff for the Sri Chitra Thirunal Muthuswamy Salt Factory and for the Thattarippu Odai Salt Factory	1,328
I.	20. Education	For Compensation to private managements consequent on the reduction of School fees in 1110	38,644
V.	21. Agriculture and Fisheries	For the appointment of Marketing Officers and staff	3,400
XVII.	23. Medical Public Health and Sanitation —Public Health and Sanitation	For the appointment of an Entomological Assistant temporarily in the Public Health —Laboratory	200
		Total	46,317
		B. (Grants sanctioned under Section 32 of Regulation II of 1108.)	
IX.	6. Forest	For payment to Mr. Kamesam on account of royalty on ASCU treatment of timber	15,000
	Do.	For payment of travelling allowance to Mr. Kamesam	2,292
XI.	16. Administration of Justice	In connection with the special duty of Mr. K. N. Kesava Pillai and staff for the investigation of fire accident in the Sri Padmanabhaswamy Temple	1,084
II.	29. Buildings, Communications and Miscellaneous Public improvements	For the construction of as Aerodrome at Trivandrum	38,200
XXVII.	38. Miscellaneous	Contribution to His Excellency the Viceroy's Quetta Earth Quake Fund	10,179
		Total	56,755

A. RENGASVAMI AIYAR,
Financial Secretary to Government.

Annexure I.

THE TRAVANCORE HINDU WIDOWS' REMARRIAGE BILL.

A BILL TO REMOVE ALL LEGAL OBSTACLES TO THE MARRIAGE OF HINDU WIDOWS IN TRAVANCORE.

Preamble.

Whereas the removal of all legal obstacles to the marriage of Hindu widows in the State will tend to the promotion of good morals and to the public welfare and whereas it is just to hold the offspring of such marriages as legitimate; It is enacted as follows;

Short title, extent and commencement.

1. (i) This Regulation may be called The Travancore Hindu Widows' Re-marriage Regulation, 111.

(ii) It shall extend to the whole of Travancore.

(iii) It shall come into operation at once.

Marriage of Hindu widows legalised.

2. Notwithstanding any custom and any interpretation of Hindu Law to the contrary, no marriage contracted between Hindus shall be invalid, and no issue of any such marriage shall be illegitimate, by reason of the woman having been previously married or betrothed to any other person who was dead at the time of such marriage, provided that the parties must not be related to each other in any degree of consanguinity or affinity which would, under Hindu Law, render a marriage illegal.

Ceremonies constituting valid marriage to have the same effect on widow remarriage

3. Whatever words spoken, ceremonies performed or engagements made on the marriage of Hindu female who has not been previously married, are sufficient to constitute a valid marriage, shall have the same effect if spoken, performed or made on the marriage of a Hindu widow; and no marriage shall be declared invalid on the ground that such words, ceremonies or engagements are inapplicable in the case of a widow.

Consent to the re-marriage of a widow who has not completed sixteenth year.

4. A widow who has not completed her sixteenth year and whose previous marriage has not been consummated shall not re-marry without the consent of her guardian, viz., her father, her mother, or her next male relative.

The consent of the guardian shall be presumed until the contrary is proved.

In the case of a widow who has completed her sixteenth year, or whose previous marriage has been consummated, her own consent shall be sufficient to constitute her re-marriage lawful and valid.

Rights of widow not to cease on her remarriage.

5. No right or interest which any widow may have in her deceased husband's property by way of maintenance or by inheritence to her husband or to his lineal successors, or by virtue of any will or testamentary disposition conferring upon her only a limited interest in such property with no power of alienating the same, shall, upon her re-marriage, cease or determine or be divested.

6. On the re-marriage of a Hindu widow, if neither the widow nor any other person has been expressly constituted by the will or testamentary disposition of the deceased husband, the guardian of the children, she shall be entitled, during their minority, to have the care and custody of her children, or any of them, by the deceased husband, until a competent Court having original jurisdiction in civil cases in the place where the deceased was domiciled at the time of his death shall appoint some proper person other than the mother to be guardian on a petition by the father or the paternal grand-father or the mother or the grand-mother or any male relative of the deceased husband; and in making such appointment the Court shall be guided, so far as may be by the laws and rules in force touching the guardianship of children who have neither father nor mother:

Guardianship of children of deceased husband on the re-marriage of his widow.

Provided that, when the said children have not property of their own sufficient for their support and proper education whilst minors, no such appointment shall be made otherwise than with the consent of the mother unless the proposed guardian shall have given security for the support and proper education of the children during their minority.

Provided also that, when the widow has been expressly constituted guardian by the will or the testamentary disposition of the deceased husband, no such appointment shall be made.

7. Except as is provided in the preceding section, a widow shall not, by reason of her re-marriage, forfeit any property or any right to which she would otherwise be entitled; and every widow who has re-married shall have the same rights of inheritance as she would have had, had such marriage been her first marriage.

Saving of rights of widow re-marrying.

STATEMENT OF OBJECTS AND REASONS.

Though, in Travancore, the proportion of widows to the total number of females is less than in other parts of India, it is large enough to merit notice. According to the latest Census Report, there are, in Travancore, 119 widows per 1,000 females as against 155 in India. The comparatively low proportion of widows in Travancore is, no doubt, due to the fact that widow re-marriage is not prohibited among the bulk of the population in this State. But, there are several communities among whom early marriage is common and widow re-marriage is prohibited. For instance, among Brahmins other than Nambutiries and Potties, pre-puberty marriage of girls is compulsory and widows are prohibited from re-marrying. Among Nambutiries and Potties, pre-puberty marriage of girls is not compulsory, but widow re-marriage is prohibited; and, as stated by the Travancore Census Commissioner, "Owing to the paucity of available husbands, polygamy is common, and often many young women are married to oldmen". There are several other communities also, such as Vellalas, among whom re-marriage of widows is not allowed.

It is noteworthy that, in Travancore, widows below 45 years of age, which may be taken as the maximum age of child-bearing period, form 35·2 per cent. of the total number of widows as against 40·3 per cent in India, 21·3 per cent in the United States and 12·3 per cent. in England and Wales. These figures, in the words of the Travancore Census Commissioner, show that the proportion of women of child-bearing period who become widowed is greater in Travancore than in Western countries, though it is less than in India.

The ban on the re-marriage of widows is a source of considerable evil. Referring to the fact that "an excess of males must lead to lower the age of marriage for females since the number of females will not be enough to go round", the Census Commissioner for India says that "the ban on widow re-marriage must accentuate the evil of this vicious circle as well as contribute very largely to the excessive disparity which is apt to begin in unhappiness and conclude in sterility for marriages of this kind are undoubtedly less fertile than those between persons of more equal age".

It is with the object of preventing such social evils, and bettering, by a purely permissive legislation, the lot of many a young widow that the present Bill is drafted. This Bill is on the lines of Act XV of 1856, except for a slight but significant change. By Section 2 of Act XV of 1856, the re-marriage of a Hindu widow brings about her civil death in so far as her husband's estate is concerned. This Section has led to a conflict of decisions in the British Indian High Courts as regards its applicability. In so far as Travancore is concerned, the trend of later decisions (*vide* 22 Travancore Law Jurnal, page 1321) is against the provisions contained in this section. That is to say, according to our Courts, an estate which has once vested in a widow will not be divested by her re-marriage. In consonance with these decisions of the Travancore High Court, Section 2 of Act XV of 1856 has been entirely recast in my Bill (Section 5). And this change accords both with reason and the law of our State. It may be pointed out that the British Indian Statute is now about 80 years old, and, further, considering the educational status of our country and the enlightenment of our women it is time that we discarded the very harsh provisions contained in Section 2 of the British Indian Act.

The Bill, as stated above, is a purely permissive measure, its aim being the removal of the legal obstacles to the remarriage of such Hindu widows as wish to remarry and the legitimising of the children born of such wedlock. It does not affect the freedom of any woman who, after the death of her husband, chooses to remain a widow. Nor does it affect the right of a Hindu widow who is allowed to remarry by the custom of her community.

28th April 1936. T. NARAYANI AMMA.

Annexure II.

THE TRAVANCORE KAMMALA BILL.

Whereas it is expedient to define and amend the law relating to marriage, succession and adoption of the Malayalam speaking Kammalas ; It is hereby enacted as follows :--

CHAPTER I.

1. (1) This Regulation may be called The Travancore Kammala Regulation, 1110

(2) It shall come into force on..............

(3) It shall apply to all Malayalam speaking Kammalas domiciled in Travancore and to such Kammalas whether so domiciled or not, as have, or shall have marital relations with Malayalam speaking Kammalas domiciled in Travancore and also to all Malayalam speaking Kammalas wherever domiciled in respect of their properties in Travancore.

2. In this Regulation unless there is something repugnant in the subject or context—

(1) 'Kammala' includes the members of all communities commonly known or recognised as Malayalam speaking Kammalas following the profession of carpentry, smithery, jewellery, masonry and braziery.

(2) 'Minor' means a person who has not completed eighteen years of age.

(3) 'Prescribed' means prescribed by rules made by Our Government under this Regulation.

CHAPTER II

MARRIAGE AND ITS DISSOLUTION.

3. The conjugal union of a Kammala male subject to the restrictions of consanguinity and affinity with a Kammala female openly solemnised by tying the *tali* around the neck of the female by the male shall be deemed to be a valid marriage for legal purposes :

Provided that no conjugal union solemnised after the date on which this Regulation comes into force shall in the case of a male who has not completed eighteen years of age or of a female who has not completed sixteen years of age, be deemed to be a legally valid marriage unless it takes place with the consent of his or her legal guardian or unless such conjugal union is recognised and continued after the attainment of eighteen or sixteen years of age, as the case may be, by the party or parties concerned.

4. The subsequent marriage of a male or a female during the continuance of a prior marriage and performed after the commencement of this Regulation is void.

5. Marriage is dissolved only in one of the following ways :—

(i) by the death of either party, or

(ii) by mutual consent evidenced by a registered instrument, or

(iii) by a formal order of dissolution as hereinafter provided,

6. A husband or wife may present a petition for dissolution of the marriage under Section (5) (iii) in the Court of the District Munsiff within the local limits of whose jurisdiction the respondent resides, carries on business

or personally works for gain or if the respondent resides, carries on business or personally works for gain in any place outside Travancore, in the Court of the District Munsiff within whose jurisdiction the petitioner resides and the petitioner shall in all cases offer in the petition reasonable compensation to the respondent except where such respondent has changed his or her religion:—

Provided that the wife shall herself be competent to apply for divorce if she has completed sixteen years of age.

7. What is reasonable compensation shall in case of dispute be determined by the Court after an enquiry into the position, means, and circumstances, of the parties but without going into the grounds of the proposed dissolution ; and it shall in no case exceed Rs. 500 where the petitioner is the husband and Rs. 200 where the petitioner is the wife.

8. A copy of such petition as aforesaid shall be served on the respondent at the expense of the petitioner and in the manner provided for the service of summonses on a defendent in the Code of Civil Procedure.

9. Six months after the service of the copy as aforesaid, if the petition is not withdrawn in the meantime, the Court shall after determining the amount of compensation, declare in writing the marriage dissolved. The dissolution shall take effect from the date of the order declaring it,

So far as it declares payment of compensation such order shall be executable and appealable as a decree under the Code of Civil Procedure on payment of Court fee on the amount adjudged or claimed as the case may be,

CHATER III.

Maintenance and Guardianship.

10. The wife and minor children except married daughters, under the guardianship of their husbands, shall be entitled to be maintained by the husband or father, as the case may be :

Provided the wife shall not be entitled to maintenance if she refuses to live with the husband without just cause or has changed her religion.

11. Save as regards married daughters under the guardianship of their husbands, the following persons in the order named shall be the legal guardians of the minor children in respect of their person and property *viz.*, the father, the mother, the father's brothers and the major children of the father's brothers.

12. Where the wife has minor children by a former husband deceased or divorced, she shall be the legal guardian in respect of their person as also the separate properties belonging to them.

CHAPTER IV.

Intestate Succession.

13. The provisions of this Regulation shall not apply to any intestacy occurring before the date on which this Regulation comes into force, nor shall these provisions divest rights which have already become vested.

14. For the purpose of succession there is no distinction between ancestral property and separate or self-acquired property.

15. Unless a contrary intention is expressed in the instrument of gift, bequest or partition, a Kammala woman shall acquire absolute right in respect of property obtained by gift, devise, partition or inheritance.

16. No person shall by marriage acquire any interest in the property of the person whom he or she marries nor become incapable of doing any act in respect of his or her own property which he or she could have done if unmarried.

17. No person shall on any ground of disability be excluded from inheritance or from a share of the joint family property on partition.

18. No lineal descendant of any Kammala shall acquire by birth any interest in the property inherited or acquired by such Kammala.

19. For the purpose of this and the succeeding chapter the undivided share of a member of a joint family in joint family property determined as at the time of such member's death shall be treated as such member's separate property.

20. A person is considered to die intestate in respect of all property of which such person has not made a testamentary disposition which is capable of taking effect.

21. The self-acquired and separate property of a deceased Kammala shall pass by right of succession to his heirs hereinafter named according to the provisions contained in this Regulation.

22. On the death of a Kammala male leaving him surviving a widow or widows and also sons or the lineal male descendants of deceased sons or both, they shall take the whole of the self-acquired and sepahate property left undisposed by him at his death. In the absence of the widow, the sons and the lineal male descendant of decrased sons shall take the whole, and in the absence of the widow and sons, the lineal male descendants of deceased sons shall take the whole.

23. The distribution of the estate under Section 22 shall be according to the following rules:—

(1) The widow or widows, if there are more than one, shall each be entitled to a share equal to that of a son.

(2) Sons shall take the property in equal shares provided that if a son shall have predeceased the intestate the lineal male decendants of such son shall take the share which such son would have taken had he survived the intestate.

(3) Male grand-children shall take in equal shares what their father would have taken had he survived the intestate. In like manner the propery shall go to the surviving lineal male descendants of the intestate where they are all in the degree of great-grand-children to him or in a more remote degree.

24. On the death of a Kammala male leaving him surviving no sons or lineal male descendants of deceased sons but only his widow or widows and his father, one-half of his property shall devolve on his father and the other half on his widow or widows. In the absence of the widow the father shall take the whole.

25. On the death of a Kammala male leaving him surviving neither his father nor his lineal male descendants but only his widow and his mother, one-half of his property shall devolve on his mother and the other half on his widow.

In the absence of the mother the widow shall take the whole and in the absence of the widow the mother shall take the whole.

26. On the death of a Kammala male leaving him surviving none of the heirs mentioned in section 22, 24 and 25, but only his brother or brothers and the lineal male descendants of deceased brothers they shall take the whole property left undisposed of by him at his death.

27. On the death of a Kammala male leaving him surviving none of the heirs mentioned in Sections 22, 24, 25 and 26 but only his daughter or daughters and the lineal male descendants of deceased daughters, they shall take the whole property left undisposed of by him at his death.

28. On the death of a Kammala male leaving him surviving none of the heirs mentioned in Sections 22, 24, 25, 26 and 27, but only his sister or sisters and the lineal male descendants of deceased sisters, they shall take the whole property left undisposed of by him at his death.

29. On the death of a Kammala male leaving him surviving none of the heirs mentioned in the preceeding sections, the whole property left undisposed of by him at his death shall be divided equally among those of his relatives who are in the nearest degree of kindred to him in the male line.

30 On the death of a Kammala female leaving her surviving her sons or the lineal male descendants of deceased sons or both they shall take the whole of the self-acquired and separate property left undisposed of by her at her death.

31. On the death of a Kammala female leaving her surviving no sons or lineal male descendants of deceased sons, but only her daughter or daughters or the lineal descendents of deceased daughters they shall take the whole property left undisposed of by her at her death.

32. On the death of a Kammala female leaving her surviving none of her lineal descendants but only her husband, her father and her mother, the whole property left undisposed of by her at her death shall be divided equally among them In the absence of the husband, the father and mother shall take equally and in the absence of the husband and father, the mother shall take the whole.

33. On the death of a Kammala female leaving her surviving none of the heirs mentioned in Sections 30, 31 and 32 but only her brother or brothers and the lineal male descendants of deceased brothers, they shall take the whole property left undisposed of by her at her death.

34. On the death of a Kammala female leaving her surviving none of the heirs mentioned in Sections 30, 31, 32 and 33, but only her sister or sisters and the lineal descendants of deceased sisters, they shall take the whole property left undisposed of by her at her death.

35. On the death of a Kammala female leaving her surviving none of the heirs mentioned in the preceding sections the whole property left undisposed of by her at her death shall be divided equally among those of her relatives who are in the nearest degree of kindred to her.

36. The provisions contained in Section 23, Clause (1) and (3) shall as far as may be apply to the distribution of the estate among the heirs under Sections 26, 27, 28, 30, 33 and 34.

37. Where a distributive share in the property of a person who has died intestate is claimed by a child or any descendant of a child of such persons, no money or other property which the intestate may during his life, have

paid given or settled to or for the advancement of the child by whom or by whose descendant the claim is made shall be taken into account in estimating such distributive share.

CHAPTER V.

Testamentary Succession.

38. Any Kammala may dispose of by will the whole of his or her self-acquired or separate property.

CHAPTER VI.

Adoption.

39. A husband may, with the consent of his wife, adopt an unmarried male child, if they have no issue, and the adopted son shall have all the rights of a natural born son.

40. A widow or widower may also take in adoption an unmarried male child, but such adopted son shall succeed only to the separate or self-acquired property of the adoptive mother or father as the case may be.

CHAPTER VII.

Supplemental Provisions.

41. Nothing in this Regulation shall:—

(*a*) affect rights which have accrued according to law or customs before the date on which this Regulation comes into force ; or

(*b*) affect the existing rules of law, customs or usage except to the extent hereinbefore expressly provided for.

Statement of Objects and Reasons.

The Kammalas form an important community in the State. According to the recent Census the present population of Hindu Kammalas in Travancore is 2,08,441. They consist of two main classes—Malayalam speaking Kammalas and Tamil speaking Kammalas. Each of them is further divided into five sections according as they follow the profession of carpentry, smithery, braziery, jewellery and masonry. They are all makkathayis and are supposed to be governed by the rules of Hindu Law. The law of succession obtaining among Kammalas seems however to be extremely vague and unsettled. Even among the Hindus who are strict followers of the Mitakshara law, the principles of the mitakshara system are not observed in their strictness. The strict application of the principles of Hindu Law to this community is obviously unfair. Moreover customs prevailing in the community with regard to succession and other matters are mostly at variance with the mitakshara principles of law applied to them. As observed by Sir J. D. Mayne races who are Hindu by name or even Hindu by religion are not necessarily governed by any of the written treatises on law which are founded upon and developed from the Smrithees. Courts are also reluctant to recognise any usage or custom modifying the ordinary principles of Hindu Law. The personal laws of almost all the important communities in the State have in recent years been modified in accordance with their changing needs and customs. The Kammala community has also been praying for legislation like the other communities. These are some of the considerations which have actuated me in framing this Bill. I have omitted to include the Tamil speaking Kammalas in this Bill as in their

case the application of Hindu Law is not felt to be such a hardship as in the case of the Malayalam speaking Kammalas and as the demand for a change in the system of inheritance is not insisted on by them. If however, any section of the Tamil speaking community so desires they may also be included by adding a provision to that effect.

I shall now deal with the special features of the different provisions in this Bill.

CHAPTERS I TO III.

MARRIAGE AND ITS DISSOLUTION, MAINTENANCE AND GUARDIANSHIP ETC.

I have adopted the provisions relating to marriage and its dissolution and also maintenance and guardianship from the Nayar, the Ezhava and other Regulations. These provisions have been adopted for two reasons. In the first place the complicated rules of Hindu Law in regard to these matters are inapplicable to the Kammala community who do not as a matter of fact follow them. Secondly it is necessary and proper to conform to the provisions of law applied to other communities in the State as far as practicable.

CHAPTER IV.

INTESTATE SUCCESSION.

This is the most important chapter in the whole Bill. Drastic changes in the rules of succession have been made to suit the needs under the altered conditions of the community and also to meet their demands in this respect. Clauses 14 to 21 lay down general rules in regard to rights to property and its devolution. Clause 14 is intended to do away with the distinction between "ancestral" and "separate" "or self-acquired" property which is the cause of so much confusion in the Hindu Law. It also cuts at the root of joint ownership by birth and makes the father absolutely independent in respect of property acquired by inheritance. This radical change is agreeable to the community and as provision has been made for preventing the divesting of estates once vested, the changes cannot also work any hardship. Clauses 15 and 16 place the rights of women on an equal footing with men. Reformers of Hindu Law advocate a similar change in respect of the rights of women all over India. Clause 17 is intended to effect a reform which is so much desired by Hindu reformers *i. e.*, removal of all disqualifications in regard to inheritance and partition. Clause 18 is only a corollary to Clause 14. Clause 19 does away with the rule of survivership and Clause 21 only makes this clear. Clauses 22 to 36 deal with the line of succession to males and females and need no particular comment. The scheme chalked out is different from the scheme of the mitakshara law, but agrees with the view of the majority of the community so far as I know. The rules for the distribution of the estate are laid down in Clause 23 and in Clause 36. Clause 37 is intended to clear doubts which may arise in regard to cases referred to therein and is taken from the Indian Succession Act.

CHAPTER V.

TESTAMENTARY SUCCESSION.

Clause 38 calls for no particular comment. Though complete testamentary power is given to all Hindus in the Nayar Regulation there can be no objection in inserting the same provision here.

CHAPTER VI.

ADOPTION.

Clauses 39 and 40 make provision for adoption which the community desires.

CHAPTER VII.

Clause 41 is only intended to protect rights which have already accrued and to save all the rules of law and custom not expressly dealt with. Clause 13 has the effect of making Clause 41 (a) clearer.

I have made no provision for partition as under the existing Hindu Law separation from the joint family is permitted and also because the rule of survivorship which applies to mitakshara joint familes has been done away with in this Bill.

G. NILAKANTAN.

Annexure I.

THE TRAVANCORE INCOME TAX REGULATION (AMENDMENT) BILL.

(As revised by the Select Committee.)

(The words in italics indicate the amendments suggested by the Select Committee).

A BILL FURTHER TO AMEND THE TRAVANCORE INCOME TAX REGULATION, VIII OF 1096, AS AMENDED BY REGULATION, V OF 1100.

Preamble.

Whereas it is expedient further to amend the Travancore Income Tax Regulation, VIII of 1096, as amended by Regulation V of 1100, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Regulation may be called The Travancore Income Tax (Amendment) Regulation, 111.

(2) It shall come into force at once.

Amendment of Section 2.

2. In Section 2 of the Travancore Income Tax Regulation, VIII of 1096, as amended by Regulation, V of 1100, (hereinafter referred to as the said Regulation).

(1) *in sub-section (1), clause (a), after the expression "land revenue" the words "in Travancore" shall be inserted ; and*

(2) for sub-section (11), the following shall be substituted, namely :—

(11) "previous year" means—

(a) the twelve months ending on the last day of Karkatakam next preceding the year for which the assessment is to be made, or, if the accounts of the assessee have been made up within the said twelve months in respect of a year ending on any date other than the said last day of Karkatakam, then, at the option of the assessee, the year ending on the day on which his accounts have so been made up :

Provided that, if this option has been once exercised by the assessee, it shall not again be exercised so as to vary the meaning of the expression "previous year" as then applicable to such assessee, except with the consent of the Collector and upon such conditions as he thinks fit ; or

(b) in the case of any person, business or company or class of persons, business or company, such period as may be determined by the Chief Revenue Authority or by such authority as it may authorise in this behalf".

Amendment of Section 3.

3. In Section 3 of the said Regulation, after sub-section (1), the following shall be inserted as a sub-section, namely ;—

"1 (a) Income, profits and gains accruing or arising without Travancore to a person resident in Travancore shall, if they are received in or brought into Travancore, be deemed to have accrued or arisen in Travancore and to be income, profits and gains of the year in which they are so received or brought, notwithstanding the fact that they did not so accrue or arise in that year;

Explanation. - Income, profits or gains of a business accruing or arising without Travancore shall not be deemed to be received or brought into Travancore within the meaning of this sub-section by reason only of the fact that they are taken into account in the balance sheet prepared in Travancore."

Amendment of Section 5.

4. In Section (5), sub-section (1), of the said Regulation, the following shall be inserted as an Explanation, namely:—

Explanation—The right of a person to occupy, free of rent, as a place of residence any premises provided by his employer is a perquisite for the purposes of this subsection."

Amendment of Section 7.

5. In section 7 of the said Regulation,—

(1) in sub-section (1),

(*a*) after the word "buildings", the words "or lands appurtenant thereto" shall be inserted, and

(*b*) after the word "owner" where it occurs for the first time, the words "other than such portions of such property as he may occupy for the purposes of his business" shall be inserted, and

(2) in sub-section (2), proviso,

(*a*) after the word "owner", where it occurs for the first time, the words "for the purposes of his own residence" shall be inserted, and

(*b*) for the word "aggregate", the word "total" shall be substituted.

Amendment of Section 8.

6. In Section 8, of the said Regulation—

(*a*) in sub-section (2),

(*i*) in clause (vi), for proviso (b) the following shall be substituted namely:—

"where full effect cannot be given to any such allowance in any year owing to there being no profits or gains chargeable for that year, or owing to the profits or gains chargeable being less than the allowance, the allowance or part of the allowance to which effect has not been given, as the case may be, shall be added to the amount of the allowance for depreciation for the following year and deemed to be part of that allowance, or if there is no such allowance for that year, be deemed to be the allowance for that year, and so on for succeeding years; and" and,

(2) In clause (ix), the words "in respect of" shall be omitted; and

(*b*) *Sub-section* (3) *shall be omitted.*

7. In the said Regulation, after Section 10, the following Section shall be inserted, namely:—

Insertion of a new Section, 10 A.

"10 A. Income, profits and gains shall be computed, for the purposes of Sections 8, 9 and 10, in accordance with the method of accounting regularly employed by the assessee:

Method of accounting.

Provided that, if no method of accounting has been regularly employed or if the method employed is such that, in the opinion of the Collector, the income, profits and gains cannot properly be deduced therefrom, then the computation shall be made upon such basis and in such manner as the Collector may determine."

8. *In Section 12 of the said Regulation after the word "in" the words and figure "Section 6 proviso and in" shall be inserted.*

Amendment of Section 12.

9. *In Section 13, sub-section* (2), *of the said Regulation, the proviso shall be omitted.*

Amendment of Section 13.

Amendment of Section 14.

10. In Section 14 of the said Regulation—

(1) in sub-section (1), after the word "liable", the words "to pay income tax or" shall be inserted; and

(2) Sub-section (2) shall be omitted.

11. In the said Regulation, after Section 15 A and before Section 15 B, the following section shall be inserted, namely:—

Insertion of a new Section 15 AA.

"15. AA. The Principal officer of every company shall, on or before the 15th Thulam in each year furnish to the prescribed officer a return in the prescribed form and verified in the prescribed manner of the names and of the addresses, as entered in the register of shareholders maintained by the company, of the shareholders to whom a dividend or aggregate dividends exceeding such amount as may be prescribed in this behalf has or have been distributed during the preceding year and of the amount so distributed to each such shareholder."

Supply of information regarding dividends.

(2) *The principal officer of any bank, firm or company responsible for paying any interest, not being interest on securities, shall on or before the 15th day of Thulam in each year, furnish to the prescribed officer a return in the prescribed form and verified in the prescribed manner of the names and addresses of all persons to whom, during the*

Supply of information regarding interest.

previous financial year, he has paid interest or aggregate interest exceeding such amount not being less than Rs. 200 as may be prescribed in this behalf together with the amount paid to each such person.

Amendment of Section 17.

12. In Section 17, sub-section (2), of the said Regulation, for the word "taxable", the word "total" shall be substituted.

Amendment of Section 19.

13. In Section 19, sub-section (1), of the said Regulation, for the figure "6", the figure "4" shall be substituted.

Amendment of Section 19 A.

14. In Section 19 A, sub-section (1), of the said Regulation, for the words "commenced on or after the first day of Chingam 1101," the words "on which income tax was not at any time charged under the provisions of Regulation VIII of 1096" shall be substituted.

Insertion of a new Section 19 A A.

15. In the said Regulation, after Section 19 A and before Section 19 B, the following Section shall be inserted namely:—

Assessment in case of departure from Travancore.

"19 AA. (1) When it appears to the Collector that any person may leave Travancore during the current year or shortly after its expiry and that he has no present intention of returning, the Collector may proceed to assess him on his total income for the period from the expiry of the last previous year for which he has been assessed to the probable date of his departure from Travancore. For each completed previous year included in this period an assessment shall be made on the total income of such person at the rate at which it would have been charged had such income been fully assessed, and for the period from the expiry of the last of such previous years to the probable date of departure the Collector shall estimate the total income of such person and assess it at the rate applicable to the income:

Provided that nothing herein contained shall authorise a Collector to assess any income, profits or gains which have escaped assessment or have been assessed at too low a rate in respect of which he is debarred from issuing a notice under Section 25.

(2) For the purpose of making an assessment under sub-section (1), the Collector may serve a notice upon such person requiring him to furnish within such time not being less than four days as may be specified in the notice, a return in the same form and verified in the same manner as a return under sub-section (2) of Section 17, setting forth, along with such other particulars as may be provided for in the notice, his total income for each of the completed previous years comprised in the period first referred to in sub-section (1) and his estimated total income for the period from the expiry of the last such completed previous year to the probable date of his departure; and the provisions of this Regulation shall, so far as may be, apply as if the notice were a notice issued unde sub-section (2) of Section 17."

Amendment of Section 19 B.

16. In the said Regulation, for Section 19 B, the following shall be substituted, namely:—

"19 B. (1) Where, at the time of making an assessment under Section 18, it is found that a change has occurred in the constitution of a firm or that a firm has been newly constituted, the assessment on the firm and on the members thereof shall, subject to the provisions of this Regulation, be made as if the firm had been constituted throughout the previous year as it is constituted at the time of making the assessment, and as if each member had made a share of the profits of that year proportionate to his interest in the firm at the time of making the assessment.

Change in constitution of a firm.

(2) Where, at the time of making the assessment under Section 18, it is found that the person carrying on any business, profession or vocation has been succeeded in such capacity by another person, the assessment shall be made on such person succeeding as if he had been carrying on the business, profession or vocation throughout the previous year, and as if he had received the whole of the profits for that year."

Insertion of a new Section 19 BB.

17. In the said Regulation, after Section 19 B and before Section 19 C, the following Section shall be inserted, namely:—

"19 BB. (1) Where a person dies, his executor, administrator or other legal representative shall be liable to pay out of the estate of the deceased person, to the extent to which the estate is capable of meeting the charge, the tax assessed as payable by such person, or any tax which would have been payable by him under this Regulation as if he had not died.

Tax of deceased person payable by representative.

(2) Where a person dies before he is served with a notice under sub-section (2) of Section 17 or Section 25, as the case may be, the Collector may serve on his executor, administrator or other legal representative a notice under sub-section (2) of Section 17 or Section 25, as the case may be, and may proceed to assess the total income of the deceased person as if such executor, administrator or other legal representative were the assessee.

(3) Where a person dies without having furnished a return which he has been required to furnish under the provisions of sub-section (2) of Section 17, or having furnished a return which the Collector has reason to believe to be incorrect or incomplete, the Collector may make an assessment of the total income of such person and determine the tax payable by him on the basis of such assessment, and for this purpose may require from the executor, administrator or other legal representative of the deceased person any accounts, documents or other evidence which he might under the provisions of Sections 17 and 18 have required from the deceased person."

Amendment of Section 19 C.

18. In Section 19 C of the said Regulation, for the expression "last mentioned notice" the words "last mentioned notices" shall be substituted.

Amendment of Section 21.

19. In Section 21, sub-section (1), of the said Regulation, the following shall be added as a proviso, namely :—

"Provided that no appeal shall lie in respect of an assessment made under sub-section (4) of Section 18 or under that sub-section read with Section 19 C."

Amendment of Section 22.

20. In Section 22, sub-section (3) proviso, of the said Regulation, for the word "applicant" the word "appellant" shall be substituted.

Amendment of Section 23.

21. In Section 23 of the said Regulation, for the words "assessment proceeding" the words "proceedings under this Regulation" shall be substituted.

Amendment of Section 24.

22. In the said Regulation, for Section 24, the following shall be substituted, namely :—

Penalty for concealment of income.

"24. If the Collector, the Commissioner or the Chief Revenue Authority, in the course of any proceeding under this Regulation, is satisfied that an assessee has concealed the particulars of his income, or has deliberately furnished inaccurate particulars of such income and has thereby returned it below its real amount, he may direct that the assessee shall, in addition to the income tax payable by him, pay by way of penalty a sum not exceeding the amount of income tax which would have been avoided if the income so returned by the assessee had been accepted as the correct income:

Provided that no such order shall be made, unless the assessee has been heard, or has been given a reasonable opportunity of being heard :

Provided further that no prosecution for an offence against this Regulation shall be instituted in respect of the same facts on which a penal assessment is made under this Section."

Amendment of Section 25.

23. In the said Regulation, for Section 25, the following shall be substituted, namely :—

Income escaping assessment.

"25. If for any reason income, profits or gains chargeable to income tax has escaped assessment in any year or has been assessed at too low a rate, the Collector may at any time within one year of the end of that year serve on the person liable to pay tax on such income, profits or gains, or in the case of a company, on the principal officer thereof, a notice containing all or any of the requirements which may be included in a notice under sub-section (2) of Section 17 and may proceed to assess or re-assess such income, profits or gains and the provisions of this Regulation shall, so far as may be, apply accordingly as if the notice were a notice issued under that sub-section :

Provided that the tax shall be charged at the rate at which it would have been charged had the income, profits or gains not escaped assessment or full assessment, as the case may be."

Amendment of Section 26.

24. In the said Regulation, for Section 26, the following shall be substituted, namely:—

Rectification of mistake.

"26. (1) The Chief Revenue Authority or the Commissioner may, at any time within one year from the date of any order passed by him in appeal or, in the case of the Chief Revenue Authority, in revision or review under Section 23 and the Collector may at any time within one year from the date of any demand made upon an assessee, on his own motion, rectify any mistake apparent from the record of the appeal, revision, review or assessment, as the case may be, and shall, within the like period, rectify any such mistake which has been brought to their notice by the assessee:

Provided that no such rectification shall be made, having the effect of enhancing an assessment, unless the Chief Revenue authority, the Commissioner or the Collector, as the case may be, has given notice to the assessee of his intention so to do and has allowed him a reasonable opportunity of being heard.

(2) Where any such rectification has the effect of reducing the assessment, the Collector shall make any refund which may be due to such assessee.

(3) Where any such rectification has the effect of enhancing the assessment, the Collector shall serve on the assessee a notice of demand in the prescribed form specifying the sum payable, and such notice of demand shall be deemed to be issued under Section 20, and the provisions of this Regulation shall apply accordingly."

Amendment of Section 36.

25. In the said Regulation, for Section 36, the following shall be substituted, namely:—

Refund to individual shareholders, partners and owners of securities.

36. (1) (a) If—

(i) a shareholder in a company who has received any dividend from the company; or

(ii) a partner in a firm on which income tax has been levied at the rate provided in Schedule I B who has received a share of the profits of the firm; or

(iii) the owner of a security from the interest on which income tax has been deducted in accordance with the provisions of Section 15;

satisfies the Collector that his total income in the previous year was less than any one, as the case may be, of the amounts specified in Schedule II he shall be entitled to a refund of a sum calculated on such dividend, share of profits or interest at the rates specified in the same Schedule against each such amount.

Refund on salary.

(b) If any person, from whose salary income tax has been deducted in accordance with the provisions of Section 15, satisfies the Collector that the rate of income tax applicable to his total income of the previous year was less than the rate at which income tax has been charged in making such deduction in that year or that his total income of the previous year was below the minimum chargeable with income tax he shall be entitled to a refund on the amount of salary from which such deduction has been made calculated at the difference between those rates or at the rate at which income tax has been deducted, as the case may be.

(2) For purposes of this Section, "total income" shall include, in the case of any person not resident in Travancore, all income, profits or gains wherever arising, accruing or received which, if arising, accruing or received in Travancore, would be included in the computation of total income.

(3) Nothing in this Section shall entitle to any refund any person not resident in Travancore who is neither a British subject nor a subject of Travancore.

Explanation. - In computing the total income, no income derived from any land outside Travancore shall be deemed agricultural income."

Amendment of Section 36 A. *26. For Section 36 A of the said Regulation, the following shall be substituted, namely :—*

Power to set off amount of refunds against tax remaining payable. *"36 A. Where, under any of the provisions of this Regulation, a refund is found to be due to any person, the Collector, the Commissioner or the Chief Revenue Authority, as the case may be, may, in lieu of payment of the refund, set off the amount to be refunded or any part of that amount against the tax, if any, remaining payable by the person to whom the refund is due."*

Amendment of Section 38. 27. In Section 38 of the said Regulation,

(1) in clause (*b*), after the figure "15", the words and figure "or by Section 15 B" shall be inserted;

(2) in clause (*c*), before the word "Section", where it occurs for the first time, the words and figure "Section 15 AA" shall be inserted. *and;*

(3) in clause (e) before the word "Section" the following shall be inserted, namely :—Section 17 (4) or".

Amendment of Section 39. 28. In Section 39 of the said Regulation, before the word "Section" where it occurs for the first time, the words and figure "Section 15 AA or" shall be inserted.

Amendment of Section 41. 29. In the proviso to Section 41 of the said Regulation, *the word "or" occurring at the end of clause* (c) *and* clause (*d*) shall be omitted.

Insertion of a new Chapter VI A. 30. In the said Regulation, after Chapter VI, the following Chapter shall be inserted, namely :—

"CHAPTER VI A.

Charge of Supertax. 41. A. In addition to the income tax charged for any year there shall be charged, levied and paid for that year in respect of the total income of the previous year of any individual, undivided Hindu family or Marumakkathayam Tarwad, company, unregistered firm or *other* association of individuals, not being a registered firm, an additional duty of income tax (in this Regulation referred to as supertax) at the rate or rates laid down in Schedule III :

Provided that where the profits and gains of an unregistered firm have been assessed to supertax, supertax shall not be payable by an individual having a share in the firm in respect of the amount of such profits and gains which is proportionate to his share.

Total income for purposes of supertax.

41. B. Subject to the provisions of this Chapter, the total income of any individual, undivided Hindu family or Marumakkathayam Tarwad, company, unregistered firm or other association of individuals, shall, for the purposes of supertax, be the total income as assessed for the purposes of income tax, and where an assessment of total income has become final and conclusive for the purposes of income tax for any year, the assessment shall also be final and conclusive for the purposes of supertax for the same year.

Non-resident partners and shareholders.

41 C, (1) In the case of any person residing out of Travancore who is a member of a registered firm and whose share of the profits from such firm is liable to supertax, the remaining members of such firm who are resident in Travancore shall be jointly and severally, liable to pay the supertax due from the non-resident member in respect of such share.

(2) Where the Collector has reason to believe that any person who is a shareholder in a company and is liable to pay supertax on the amount of the dividends receivable by him from the company is resident out of Travancore, the Collector may by order in writing require the principal officer of that company to pay the supertax.

(3) Where the principal officer of a company has not reason to believe that a person who is a shareholder in that company and liable to pay supertax on the amount of the dividends receivable by him from the company is resident in Travancore or where the principal officer of a company has been required to pay supertax on account of any person who is a shareholder in the company as mentioned in sub-section (2), the principal officer shall be liable to pay the supertax due by such person in respect of the dividends received by him from the company and shall have power to deduct the amount of such supertax from the amount payable by the company to such person.

(4) *Where* any person pays any tax under the provisions of this Section on account of another person who is residing out of Travancore, credit shall be given therefor in determining the amount of tax to be payable by any agent of such non-resident person under the provisions of Sections 32 and 33.

41. D. All the provisions of this Regulation except the proviso to sub-section (1) of Section 5, the proviso to Section 6, sub-section (1) of Section 11, so far as it relates to companies and firms, sub-section (2) of Section 11, and Sections 14, 15, 15 A, 15 B, 16 and 36 shall apply, so far as may be, to the charge, assessment, collection and recovery of supertax."

Amendment of Section 50.

31. In Section 50 of the said Regulation.

(1) for sub-section (2), the following shall be substituted, namely :—

"(2) Within sixty days of the date on which he is served with notice of an order under Section 22, or Section 22 A, or of an order under Section 23 enhancing an assessment or otherwise prejudicial to him, the assessee, in respect of whom the order was passed, may, by application accompanied by a fee of one hundred rupees or such lesser sum as may be prescribed require the Chief Revenue Authority to refer to the High Court any question of law arising out of such order and the Chief Revenue Authority shall, within sixty days of the receipt of such application, draw up a statement of the case and refer it with his opinion thereon to the High Court:

Provided that a reference shall lie from an order under Section 23, only on a question of law arising out of that order itself, and not on a question of law arising out of a previous order under Section 22 or Section 22 A revised by the order under Section 23:

Provided further that if, in exercise of his power under Section 23, the Chief Revenue Authority decides the question or if the Chief Revenue Authority rejects the application on the ground that it is time-barred or otherwise incompetent, or if, in exercise of his power under sub-section (3), the Chief Revenue Authority refuses to state the case, the assessee may within thirty days from the date on which he receives notice of the order passed by the Chief Revenue Authority, withdraw his application, and if he does so, the fee paid shall be refunded";

(2) In sub-section (3), after the word "may" where it occurs for the first time, the following words shall be inserted, namely :—

"within six months from the date on which he is served with the notice of the refusal";

(3) After sub-section (3) and before sub-section (4), the following sub-section shall be inserted, namely :—

"(3 A) If on any application being made under sub-section (2), the Chief Revenue Authority rejects it on the ground that it is time-barred, the assessee may, within two months from the date on which he is served with the notice of the order of the Chief Revenue Authority, apply to the High Court, and the High Court, if it is not satisfied of the correctness of the Chief Revenue Authority's decision, may require the Chief Revenue Authority to treat the application as made within the time allowed under sub-section (2)"; and

(4) After sub-section (7), the following sub-sections shall be added, namely :—

"(8) Section 5 of the Travancore Limitation Regulation shall apply to an application to the High Court by an assessee (under sub-section 3) or (sub-section (3 a).

(9) When any person defaults to pay the costs ordered by the High Court, the Collector concerned may apply for the realisation of the amount to the District Court having local jurisdiction, and such

Court shall, on receipt of the Collector's application, execute the order as if it were its own decree."

Amendment of Schedule I. 92. In the said Regulation, for Schedule I, the following Schedule shall be substituted namely :—

"SCHEDULE I.

Rates of Tax.

(See Section 13.)

	Rate.
A. In the case of every individual, Hindu undivided family, unregistered firm and other association of individuals not being a registered firm or a company—	
(1) When the total income is less than Rs. 2,000.	Nil.
(2) When the total income is Rs. 2,000 or upwards, but is less than Rs. 5,000.	Ten cash in the rupee.
(3) When the total income is Rs. 5,000 or upwards, but is less than Rs. 10,000.	Twelve cash in the rupee.
(4) When the total income is Rs. 10,000 or upwards, but is less than Rs. 15,000.	One chuckram in the rupee.
(5) When the total income is Rs. 15,000 or upwards, but is less than Rs. 20,000.	One chuckram and four cash, in the rupee.
(6) When the total income is Rs. 20,000 or upwards, but is less than Rs. 30,000.	One chuckram and twelve cash, in the rupee.
(7) When the total income is Rs. 30,000 or upwards, but is less than Rs. 40,000.	Two chuckrams in the rupee.
(8) When the total income is Rs. 40,000 or upwards, but is less than Rs. 50,000.	Two chuckrams and eight cash in the rupee.
(9) When the total income is Rs. 50,000 or upwards, but is less than Rs. 1,00,000.	Two chuckrams and twelve cash in the rupee.
(10) When the total income is Rs. 1,00,000 or upwards	Three chuckrams in the rupee.
B. In the case of every company and registered firm, whatever its total income.	Three chuckrams in the rupee."

Insertion of a new Schedule II.

33. In the said Regulation, for Schedule II, the following Schedule shall be substituted, namely :—

"SCHEDULE II.

RATES OF REFUND.

(*See Section 36.*)

	Refund.
(1) Less than Rs. 2,000.	Three chuckrams in the rupee.
(2) Rs. 2,000 or upwards, but less than Rs. 5,000.	Two chuckrams and six cash in the rupee.
(3) Rs. 5,000 or upwards, but less than Rs. 10,000.	Two chuckrams and four cash in the rupee.
(4) Rs. 10,000 or upwards, but less than Rs. 15,000.	Two chuckrams in the rupee.
(5) Rs. 15,000 or upwards, but less than Rs. 20,000.	One chuckram and twelve cash in the rupee.
(6) Rs. 20,000 or upwards, but less than Rs. 30,000.	One chuckram and four cash in the rupee.
(7) Rs. 30,000 or upwards but less than Rs. 40,000.	One chuckram in the rupee.
(8) Rs. 40,000 or upwards, but less than Rs. 50,000,	Eight cash in the rupee.
(9) Rs. 50,000 or upwards, but less than Rs. 1,00,000.	Four cash in the rupee."

Insertion of a new Schedule III.

34. In the said Regulation, after Schedule II, the following Schedule shall be added, namely :—

"SCHEDULE III.

RATES OF SUPER-TAX.

(*See Section 41 A.*)

In respect of the excess over thirty thousand rupees of total income—

	Rate.
(1) in the case of every company—	
(*a*) in respect of the first twenty thousand rupees of such excess.	Nil.
(*b*) for every rupee of the remainder of such excess.	One chuckram in the rupee.

(2) (*a*) in the case of every Hindu undivided family —	
(i) in respect of the first fortyfive thousand rupees of such excess.	Nil.
(ii) for every rupee of the next twentyfive thousand rupees of such excess.	One chuckram and four cash in the rupee.
(*b*) in the case of every individual, unregistered firm and other association of individuals not being a registered firm or a company—	
(i) for every rupee of the first twenty thousand rupees of such excess.	Twelve cash in the rupee.
(ii) for every rupee of the next fifty thousand rupees of such excess.	One chuckram and four cash in the rupee.
(*c*) in the case of every individual, Hindu undivided family, unregistered firm and other association of individuals not being a registered firm or a company—	
(i) for every rupee of the next fifty thousand rupees of such excess.	One chuckram and twelve cash in the rupee.
(ii) for every rupee of the next fifty thousand rupees of such excess.	Two chuckrams and four cash in the rupee.
(iii) for every rupee of the next fifty thousand rupees of such excess.	Two chuckrams and twelve cash in the rupee.
(iv) for every rupee of the next fifty thousand rupees of such excess.	Three chuckrams and four cash in the rupee.
(v) for every rupee of the next fifty thousand rupees of such excess:	Three chuckrams and twelve cash in the rupee.
(vi) for every rupee of the next fifty thousand rupees of such excess.	Four chuckrams and four cash in the rupee.
(vii) for every rupee of the next fifty thousand rupees of such excess.	Four chuckrams and twelve cash in the rupee.
(viii) for every rupee of the next fifty thousand rupees of such excess.	Five chuckrams and four cash in the rupee.

(ix) for every rupee of the next fifty thousand rupees of such excess.	Five chuckrams and twelve cash in the rupee.
(x) for every rupee of the remainder of such excess.	Six chuckrams and four cash in the rupee

Office of the Secretary of the Sri Mulam Assembly,
Trivandrum, 4th February 1937.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Mulam Assembly.

Annexure II.

THE TRAVANCORE INCOME TAX REGULATION (AMENDMENT) BILL.

(As passed by the Sri Mulam Assembly.)

A BILL FURTHER TO AMEND THE TRAVANCORE INCOME TAX REGULATION, VIII OF 1096, AS AMENDED BY REGULATION, V OF 1100.

Preamble.

Whereas it is expedient further to amend the Travancore Income Tax Regulation, VIII of 1096, as amended by Regulation, V of 1100, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Regulation may be called The Travancore Income Tax (Amendment) Regulation, 1112.

(2) It shall come into force at once.

Amendment of Section 2.

2. In Section 2 of the Travancore Income Tax Regulation, VIII of 1096, as amended by Regulation, V of 1100, (hereinafter referred to as the said Regulation).

(1) in sub-section (1), clause (*a*), after the expression "land revenue" the words "in Travancore" shall be inserted; and

(2) for sub-section (11), the following shall be substituted, namely:—

(11) "previous year" means—

(*a*) the twelve months ending on the last day of Karkatakam next preceding the year for which the assessment is to be made, or, if the accounts of the assessee have been made up within the said twelve months in respect of a year ending on any date other than the said last day of Karkatakam, then, at the option of the assessee, the year ending on the day on which his accounts have so been made up:

Provided that, if this option has been once exercised by the assessee, it shall not again be exercised so as to vary the meaning of the expression "previous year" as then applicable to such assessee, except with the consent of the Collector and upon such conditions as he thinks fit; or

(*b*) in the case of any person, business or company or class of persons, business or company, such period as may be determined by the Chief Revenue Authority or by such authority as it may authorise in this behalf".

Amendment of Section 3.

3. In Section 3 of the said Regulation, after sub-section (1), the following shall be inserted as a sub-section, namely;—

"1 (a) Income, profits and gains accruing or arising without Travancore to a person resident in Travancore shall, if they are received in or brought into Travancore, be deemed to have accrued or arisen in Travancore and to be income, profits and gains of the year in which they are so received or brought, notwithstanding the fact that they did not so accrue or arise in that year;

Explanation. Income, profits or gains of a business accruing or arising without Travancore shall not be deemed to be received or brought into Travancore within the meaning of this sub-section by reason only of the fact that they are taken into account in the balance sheet prepared in Travancore."

Amendment of Section 5.

4. In Section (5), sub-section (1), of the said Regulation, the following shall be inserted as an Explanation, namely:—

Explanation—The right of a person to occupy, free of rent, as a place of residence any premises provided by his employer is a perquisite for the purposes of this sub-section."

Amendment of Section 7.

5. In section 7 of the said Regulation,—

(1) in sub-section (1),

(*a*) after the word "buildings", the words "or lands appurtenant thereto" shall be inserted, and

(*b*) after the word "owner" where it occurs for the first time, the words "other than such portions of such property as he may occupy for the purposes of his business" shall be inserted, and

(2) in sub-section (2), proviso,

(*a*) after the word "owner", where it occurs for the first time, the words "for the purposes of his own residence" shall be inserted, and

(*b*) for the word "aggregate", the word "total" shall be substituted.

Amendment of Section 8

6. In Section 8, of the said Regulation—

(*a*) in sub-section (2),

(*i*) in clause (vi), for proviso (b) the following shall be substituted namely:—

"where full effect cannot be given to any such allowance in any year owing to there being no profits or gains chargeable for that year, or owing to the profits or gains chargeable being less than the allowance, the allowance or part of the allowance to which effect has not been given, as the case may be, shall be added to the amount of the allowance for depreciation for the following year and

deemed to be part of that allowance, or if there is no such allowance for that year, be deemed to be the allowance for that year, and so on for succeeding years; and" and,

(*ii*) In clause (ix), the words "in respect of" shall be omitted, and

(*b*) sub-section three shall be omitted.

7. In the said Regulation, after Section 10, the following Section shall be inserted, namely:—

Insertion of a new Section, 10 A.

"10 A. Income, profits and gains shall be computed, for the purposes of Sections 8, 9 and 10, in accordance with the method of accounting regularly employed by the assessee:

Method of accounting.

Provided that, if no method of accounting has been regularly employed or if the method employed is such that, in the opinion of the Collector, the income profits and gains cannot properly be deduced therefrom, then the computation shall be made upon such basis and in such manner as the Collector may determine."

8. In section 12 of the said Regulation after the word "in", the words and figure "Section 6, proviso and in" shall be inserted.

Amendment of Section 12.

9. In Section 13, sub-section (2), of the said Regulation, the proviso shall be omitted.

Amendment of Section 13.

Amendment of Section 14.

10. In Section 14 of the said Regulation—

(1) in sub-section (1), after the word "liable", the words "to pay income tax or" shall be inserted; and

(2) Sub-section (2) shall be omitted.

11. In the said Regulation, after Section 15 A and before Section 15 B, the following section shall be inserted, namely:—

Insertion of a new Section 15 AA.

"15. AA. (1) The Principal officer of every company shall, on or before the 15th Thulam in each year furnish to the prescribed officer a return in the prescribed form and verified in the prescribed manner of the names and of the addresses, as entered in the register of shareholders maintained by the company, of the shareholders to whom a dividend or aggregate dividends exceeding such amount as may be prescribed in this behalf has or have been distributed during the preceding year and of the amount so distributed to each such share holder."

Supply of information regarding dividends.

(2) The principal officer of any bank, firm or company responsible for paying any interest, not being interest on securities, shall, on or before the 15th day of Tulam in each year, furnish to the prescribed officer a return in the prescribed form and verified in the prescribed manner of the names and addresses of all persons to whom, during the previous financial year, he has paid interest or aggregate interest exceeding such amount not being less than Rs. 200 as may be prescribed in this behalf together with the amount paid to each such person.

Supply of information regarding interest.

12. In Section 17, sub-section (2), of the said Regulation, for the word "taxable", the word "total" shall be substituted.

Amendment of Section 17.

13. In Section 19, sub-section (1), of the said Regulation, for the figure "6", the figure "4" shall be substituted.

Amendment of Section 19.

14. In Section 19 A, sub-section (1), of the said Regulation, for the words "commenced on or after the first day of Chingam 1101," the words "on which income tax was not at any time charged under the provisions of Regulation VIII of 1096" shall be substituted.

Amendment of Section 19 A.

15. In the said Regulation, after Section 19 A and before Section 19 B, the following Section shall be inserted namely:—

Insertion of a new Section 19 A A.

"19 AA. (1) When it appears to the Collector that any person may leave Travancore during the current year or shortly after its expiry and that he has no present intention of returning, the Collector may proceed to assess him on his total income for the period from the expiry of the last previous year for which he has been assessed to the probable date of his departure from Travancore. For each completed previous year included in this period an assessment shall be made on the total income of such person at the rate at which it would have been charged had such income been fully assessed, and for the period from the expiry of the last of such previous years to the probable date of departure the Collector shall estimate the total income of such person and assess it at the rate applicable to the income:

Assessment in case of departure from Travancore.

Provided that nothing herein contained shall authorise a Collector to assess any income, profits or gains which have escaped assessment or have been assessed at too low a rate in respect of which he is debarred from issuing a notice under Section 25.

(2) For the purpose of making an assessment under sub-section (1), the Collector may serve a notice upon such person requiring him to furnish within such time not being less than four days as may be specified in the notice, a return in the same form and verified in the same manner as a return under sub-section (2) of Section 17, setting

forth, along with such other particulars as may be provided for in the notice, his total income for each of the completed previous years comprised in the period first referred to in sub-section (1) and his estimated total income for the period from the expiry of the last such completed previous year to the probable date of his departure; and the provisions of this Regulation shall, so far as may be, apply as if the notice were a notice issued under sub-section (2) of Section 17."

Amendment of Section 19 B.

16. In the said Regulation, for Section 19 B, the following shall be substituted, namely:—

Change in constitution of a firm.

"19 B. (1) Where, at the time of making an assessment under Section 18, it is found that a change has occurred in the constitution of a firm or that a firm has been newly constituted, the assessment on the firm and on the members thereof shall, subject to the provisions of this Regulation, be made as if the firm had been constituted throughout the previous year as it is constituted at the time of making the assessment, and as if each member had made a share of the profits of that year proportionate to his interest in the firm at the time of making the assessment.

(2) Where, at the time of making the assessment under Section 18, it is found that the person carrying on any business, profession or vocation has been succeeded in such capacity by another person, the assessment shall be made on such person succeeding as if he had been carrying on the business, profession or vocation throughout the previous year, and as if he had received the whole of the profits for that year."

Insertion of a new Section 19 BB.

17. In the said Regulation, after Section 19 B and before Section 19 C, the following Section shall be inserted, namely:—

Tax of deceased person payable by representative.

"19 BB. (1) Where a person dies, his executor, administrator or other legal representative shall be liable to pay out of the estate of the deceased person, to the extent to which the estate is capable of meeting the charge, the tax assessed as payable by such person, or any tax which would have been payable by him under this Regulation as if he had not died.

(2) Where a person dies before he is served with a notice under sub-section (2) of Section 17 or Section 25, as the case may be, the Collector may serve on his executor, administrator or other legal representative a notice under sub-section (2) of Section 17 or Section 25, as the case may be, and may proceed to assess the total income of the deceased person as if such executor, administrator or other legal representative were the assessee.

(3) Where a person dies without having furnished a return which he has been required to furnish under the provisions of sub-section (2) of Section 17, or having furnished a return which the Collector has reason to believe to be incorrect or incomplete, the Collector may make an assessment of the total income of such person and determine

the tax payable by him on the basis of such assessment, and for this purpose may require from the executor, administrator or other legal representative of the deceased person any accounts, documents or other evidence which he might under the provisions of Sections 17 and 18 have required from the deceased person."

Amendment of Section 19 C.

18. In Section 19 C of the Said Regulation, for the expression "last mentioned notice" the words "last mentioned notices" shall be substituted.

Amendment of Section 21.

19. In Section 21, sub-section (1), of the said Regulation, the following shall be added as a proviso, namely:—

"Provided that no appeal shall lie in respect of an assessment made under sub-section (4) of Section 18 or under that sub-section read with Section 19 C."

Amendment of Section 22.

20. In Section 22, sub-section (3) proviso, of the said Regulation, for the word "applicant" the word "appellant" shall be substituted.

Amendment of Section 23.

21. In Section 23 of the said Regulation, for the words "assessment proceeding" the words "proceedings under this Regulation" shall be substituted.

Amendment of Section 24.

22. In the said Regulation, for Section 24, the following shall be substituted, namely:—

Penalty for concealment of income.

"24. If the Collector, the Commissioner or the Chief Revenue Authority, in the course of any proceeding under this Regulation, is satisfied that an assessee has concealed the particulars of his income, or has deliberately furnished inaccurate particulars of such income and has thereby returned it below its real amount, he may direct that the assessee shall, in addition to the income tax payable by him, pay by way of penalty a sum not exceeding the amount of income tax which would have been avoided if the income so returned by the assessee had been accepted as the correct income:

Provided that no such order shall be made, unless the assessee has been heard, or has been given a reasonable opportunity of being heard:

Provided further that no prosecution for an offence against this Regulation shall be instituted in respect of the same facts on which a penal assessment is made under this Section."

Amendment of Section 25.

23. In the said Regulation, for Section 25, the following shall be substituted, namely:—

Income escaping assessment.

"25. If for any reason income, profits or gains chargeable to income tax has escaped assessment in any year or has been assessed at too low a rate, the Collector may at any time within one year of the end of that year serve on the person liable to pay tax on such income, profits or gains, or in the case of a company, on the principal officer thereof, a notice containing all or any of the requirements which

may be included in a notice under sub-section (2) of Section 17 and may proceed to assess or re-assess such income, profits or gains and the provisions of this Regulation shall, so far as may be, apply accordingly as if the notice were a notice issued under that sub-section:

Provided that the tax shall be charged at the rate at which it would have been charged had the income, profits or gains not escaped assessment or full assessment, as the case may be."

Amendment of Section 26.

24. In the said Regulation, for Section 26, the following shall be substituted, namely:—

Rectification of mistake.

"26. (1) The Chief Revenue Authority or the Commissioner may, at any time within one year from the date of any order passed by him in appeal or, in the case of the Chief Revenue Authority, in revision or review under Section 23, and the Collector may at any time within one year from the date of any demand made upon an assessee, on his own motion, rectify any mistake apparent from the record of the appeal, revision, review or assessment, as the case may be, and shall, within the like period, rectify any such mistake which has been brought to their notice by the assessee:

Provided that no such rectification shall be made, having the effect of enhancing an assessment, unless the Chief Revenue authority, the Commissioner or the Collector, as the case may be, has given notice to the assessee of his intention so to do and has allowed him a reasonable opportunity of being heard.

(2) Where any such rectification has the effect of reducing the assessment, the Collector shall make any refund which may be due to such assessee.

(3) Where any such rectification has the effect of enhancing the assessment, the Collector shall serve on the assessee a notice of demand in the prescribed form specifying the sum payable, and such notice of demand shall be deemed to be issued under Section 20, and the provisions of this Regulation shall apply accordingly."

Amendment of Section 36.

25. In the said Regulation, for Section 36, the following shall be substituted, namely:—

Refund to individual shareholders partners and owners of securities.

"36. (1) (a) If—

(i) a shareholder in a company who has received any dividend from the company; or

(ii) a partner in a firm on which income tax has been levied at the rate provided in Schedule I B who has received a share of the profits of the firm; or

(iii) the owner of a security from the interest on which income tax has been deducted in accordance with the provisions of Section 15;

Satisfies the Collector that his total income in the previous year was less than any one, as the case may be, of the amounts specified in Schedule II, he shall be entitled to a refund of a sum calculated on such dividend, share of profits or interest at the rates specified in the same Schedule against each such amount.

(*b*) If any person, from whose salary income tax has been deducted in accordance with the provisions of Section 15, satisfies the Collector that the rate of income tax applicable to his total income of the previous year was less than the rate at which income tax has been charged in making such deduction in that year or that his total income of the previous year was below the minimum chargeable with income tax, he shall be entitled to a refund on the amount of salary from which such deduction has been made calculated at the difference between those rates or at the rate at which income tax has been deducted, as the case may be

Refund on salary.

(2) For purposes of this Section, "total income" shall include, in the case of any person not resident in Travancore, all income, profits or gains wherever arising, accruing or received which, if arising, accruing or received in Travancore, would be included in the computation of total income.

(3) Nothing in this Section shall entitle to any refund any person not resident in Travancore who is neither a British subject nor a subject of Travancore.

Explanation. - In computing the total income, no income derived from any land outside Travancore shall be deemed agricultural income."

26. For Section 36 A of the said Regulation, the following shall be substituted, namely :—

Amendment of Section 36 A.

"36 A. Where, under any of the provisions of this Regulation, a refund is found to be due to any person, the Collector, the Commissioner or the Chief Revenue Authority, as the case may be, may, in lieu of payment of the refund, set off the amount to be refunded or any part of that amount against the tax, if any, remaining payable by the person to whom the refund is due."

Power to set off amount of refunds against tax remaining payable.

Amendment of Section 38.

27. In Section 38 of the said Regulation,

(1) in clause (*b*), after the figure "15", the words and figure "or by Section 15 B" shall be inserted ;

(2) in clause (*c*), before the word "Section", where it occurs for the first time, the words and figure "Section 15 AA" shall be inserted, and ;

(3) in clause (*e*) before the word "Section" the following shall be inserted, namely :—

'Section 17 (4) or",

Amendment of Section 39.

28. In Section 39 of the said Regulation, before the word "Section" where it occurs for the first time, the words and figure "Section 15 AA or" shall be inserted.

Amendment of Section 41.

29. In the proviso to Section 41 of the said Regulation, the word "or" occurring at the end of clause (c) and clause (d) shall be omitted.

Insertion of a new Chapter VI A.

30. In the said Regulation, after Chapter VI, the following Chapter shall be inserted, namely :—

"CHAPTER VI A.

Charge of Supertax.

41. A. In addition to the income tax charged for any year, there shall be charged, levied and paid for that year in respect of the total income of the previous year of any individual, undivided Hindu family or Marumakkathayam Tarwad, company, unregistered firm or other association of individuals, not being a registered firm, an additional duty of income tax (in this Regulation referred to as supertax) at the rate or rates laid down in Schedule III.

Provided that where the profits and gains of an unregistered firm have been assessed to supertax, supertax shall not be payable by an individual having a share in the firm in respect of the amount of such profits and gains which is proportionate to his share.

Total income for purposes of supertax.

41. B. Subject to the provisions of this Chapter, the total income of any individual, undivided Hindu family or Marumakkathayam Tarwad, company, unregistered firm or other association of individuals, shall, for the purposes of supertax, be the total income as assessed for the purposes of income tax, and where an assessment of total income has become final and conclusive for the purposes of income tax for any year, the assessment shall also be final and conclusive for the purposes of supertax for the same year.

Non-resident partners and shareholders.

41 C. (1) In the case of any person residing out of Travancore who is a member of a registered firm and whose share of the profits from such firm is liable to supertax, the remaining members of such firm who are resident in Travancore shall be jointly and severally, liable to pay the supertax due from the non-resident member in respect of such share.

(2) Where the Collector has reason to believe that any person who is a shareholder in a company and is liable to pay supertax on the amount of the dividends receivable by him from the company is resident out of Travancore, the Collector may by order in writing require the principal officer of that company to pay the supertax.

(3) Where the principal officer of a company has not reason to believe that a person who is a shareholder in that company and liable to pay supertax on the amount of the dividends receivable by him from the company is resident in Travancore or where the principal officer of a company has been required to pay supertax on account of any person who is a shareholder in the company as mentioned in sub-section (2), the principal officer shall be liable to pay the supertax due by such

person in respect of the dividends received by him from the company and shall have power to deduct the amount of such supertax from the amount payable by the company to such person.

(4) Where any person pays any tax under the provisions of this Section on account of another person who is residing out of Travancore, credit shall be given therefor in determining the amount of tax to be payable by any agent of such non-resident person under the provisions of Sections 32 and 33.

41. D. All the provisions of this Regulation except the proviso to sub-section (1) of Section 5, the proviso to Section 6, sub-section (1) of Section 11, so far as it relates to companies and firms, sub-section (2) of Section 11, and Sections 14, 15, 15 A, 15 B, 16 and 36 shall apply, so far as may be, to the charge, assessment, collection and recovery of supertax."

Amendment of Section 50.

31. In Section 50 of the said Regulation.

(1) for sub-section (2), the following shall be substituted, namely:—

"(2) Within sixty days of the date on which he is served with notice of an order under Section 22, or Section 22 A, or of an order under Section 23 enhancing an assessment or otherwise prejudicial to him, the assessee, in respect of whom the order was passed, may, by application accompanied by a fee of one hundred rupees or such lesser sum as may be prescribed require the Chief Revenue Authority to refer to the High Court any question of law arising out of such order and the Chief Revenue Authority shall, within sixty days of the receipt of such application, draw up a statement of the case and refer it with his opinion thereon to the High Court:

Provided that a reference shall lie from an order under Section 23, only on a question of law arising out of that order itself, and not on a question of law arising out of a previous order under Section 22 or Section 22 A revised by the order under Section 23:

Provided further that if, in exercise of his power under Section 23, the Chief Revenue Authority decides the question or if the Chief Revenue Authority rejects the application on the ground that it is time-barred or otherwise incompetent, or if, in exercise of his power under sub-section (3), the Chief Revenue Authority refuses to state the case, the assessee may, within thirty days from the date on which he receives notice of the order passed by the Chief Revenue Authority, withdraw his application, and if he does so, the fee paid shall be refunded";

(2) in sub-section (3), after the word "may" where it occurs for the first time, the following words shall be inserted, namely:—

"within six months from the date on which he is served with the notice of the refusal";

(3) after sub-section (3) and before sub-section (4), the following sub-section shall be inserted, namely:—

"(3 a) If on any application being made under sub-section (2), the Chief Revenue Authority rejects it on the ground that it is

time-barred, the assessee may, within two months from the date on which he is served with the notice of the order of the Chief Revenue Authority, apply to the High Court, and the High Court, if it is not satisfied of the correctness of the Chief Revenue Authority's decision, may require the Chief Revenue Authority to treat the application as made within the time allowed under sub-section (2)"; and

(4) After sub-section (7), the following sub-sections shall be added, namely:—

"(8) Section 5 of the Travancore Limitation Regulation shall apply to an application to the High Court by an assessee (under sub-section 3) or sub-section (3 a).

(9) When any person defaults to pay the costs ordered by the High Court, the Collector concerned may apply for the realisation of the amount to the District Court having local jurisdiction, and such Court shall, on receipt of the Collector's application, execute the order as if it were its own decree."

Amendment of Schedule I.

32. In the said Regulation, for Schedule I, the following Schedule shall be substituted namely:—

"SCHEDULE I.

RATES OF TAX.

(See Section 13.)

A. In the case of every individual, Hindu undivided family, unregistered firm and other association of individuals not being a registered firm or a company—	Rate.
(1) When the total income is less than Rs. 2,000.	Nil.
(2) When the total income is Rs. 2,000 or upwards, but is less than Rs. 5,000.	Ten cash in the rupee.
(3) When the total income is Rs. 5,000 or upwards, but is less than Rs. 10,000.	Twelve cash in the rupee.
(4) When the total income is Rs. 10,000 or upwards, but is less than Rs. 15,000.	One chuckram in the rupee.
(5) When the total income is Rs. 15,000 or upwards, but is less than Rs. 20,000.	One chuckram and four cash, in the rupee.
(6) When the total income is Rs. 20,000 or upwards, but is less than Rs. 30,000.	One chuckram and twelve cash, in the rupee.
(7) When the total income is Rs. 30,000 or upwards, but is less than Rs. 40,000.	Two chuckrams in the rupee.
(8) When the total income is Rs. 40,000 or upwards, but is less than Rs. 50,000.	Two chuckrams and eight cash in the rupee.

(9) When the total income is Rs. 50,000 or upwards, but is less than Rs. 1,00,000.	Two chuckrams and twelve cash in the rupee.
(10) When the total income is Rs. 1,00,000 or upwards	Three chuckrams in the rupee.
B. In the case of every company and registered firm, whatever its total income.	Three chuckrams in the rupee."

Insertion of a new Schedule II.

33. In the said Regulation, for Schedule II, the following Schedule shall be substituted, namely:—

"SCHEDULE II.

RATES OF REFUND.

(*See Section 36.*)

	Refund.
(1) Less than Rs. 2,000.	Three chuckrams in the rupee.
(2) Rs. 2,000 or upwards, but less than Rs. 5,000.	Two chuckrams and six cash in the rupee.
(3) Rs. 5,000 or upwards, but less than Rs. 10,000.	Two chuckrams and four cash in the rupee.
(4) Rs. 10,000 or upwards, but less than Rs. 15,000.	Two chuckrams in the rupee.
(5) Rs. 15,000 or upwards, but less than Rs. 20,000.	One chuckram and twelve cash in the rupee.
(6) Rs. 20,000 or upwards, but less than Rs. 30,000.	One chuckram and four cash in the rupee.
(7) Rs. 30,000 or upwards but less than Rs. 40,000.	One chuckram in the rupee.
(8) Rs. 40,000 or upwards, but less than Rs. 50,000,	Eight cash in the rupee.
(9) Rs. 50,000 or upwards, but less than Rs. 1,00,000.	Four cash in the rupee."

34. In the said Regulation, after Schedule II, the following Schedule shall be added, namely:—

Insertion of a new Schedule III.

"SCHEDULE III.

RATES OF SUPER-TAX.

(*See Section 41 A.*)

In respect of the excess over thirty thousand rupees of total income—

	Rate.
(1) in the case of every company—	
(*a*) in respect of the first twenty thousand rupees of such excess.	Nil.
(*b*) for every rupee of the remainder of such excess.	One chuckram in the rupee.
(2) (*a*) in the case of every Hindu undivided family—	
(i) in respect of the first fortyfive thousand rupees of such excess.	Nil.

(ii) for every rupee of the next twenty five thousand rupees of such excess.	One chuckram and four cash in the rupee.
(b) in the case of every individual, unregistered firm and other association of individuals not being a registered firm or a company—	
(i) for every rupee of the first twenty thousand rupees of such excess.	Twelve cash in the rupee.
(ii) for every rupee of the next fifty thousand rupees of such excess.	One chuckram and four cash in the rupee.
(c) in the case of every individual, Hindu undivided family, unregistered firm and other association of individuals not being a registered firm or a company—	
(i) for every rupee of the next fifty thousand rupees of such excess.	One chuckram and twelve cash in the rupee.
(ii) for every rupee of the next fifty thousand rupees of such excess.	Two chuckrams and four cash in the rupee.
(iii) for every rupee of the next fifty thousand rupees of such excess.	Two chuckrams and twelve cash in the rupee.
(iv) for every rupee of the next fifty thousand rupees of such excess.	Three chuckrams and four cash in the rupee.
(v) for every rupee of the next fifty thousand rupees of such excess:	Three chuckrams and twelve cash in the rupee.
(vi) for every rupee of the next fifty thousand rupees of such excess.	Four chuckrams and four cash in the rupee.
(vii) for every rupee of the next fifty thousand rupees of such excess.	Four chuckrams and twelve cash in the rupee.
(viii) for every rupee of the next fifty thousand rupees of such excess.	Five chuckrams and four cash in the rupee.
(ix) for every rupee of the next fifty thousand rupees of such excess.	Five chuckrams and twelve cash in the rupee.
(x) for every rupee of the remainder of such excess,	Six chuckrams and four cash in the rupee

Office of the Secretary of the Sri Mulam Assembly, Trivandrum, 23rd February 1937.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Mulam Assembly.

Annexure III.

A BILL TO AMEND THE TRAVANCORE FOREST REGULATION OF 1068.

(As passed by the Sri Mulam Assembly.)

Whereas it is expedient further to amend the Travancore Forest Regulation of 1068 (II of 1068 as amended by Regulations IV of 1071, IX of 1085, IV of 1089 and VIII of 1097) for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. (*a*) This Regulation may be called the Travancore Forest Regulation (Amendment) Regulation 1112.

(*b*) It shall come into force at once.

2. In the Travancore Forest Regulation of 1068 (II of 1068 as amended by Regulations IV of 1071, IX of 1085, IV of 1089 and VIII of 1097) in Section 47 A, after the words "such person", the words "on bail, or" shall be inserted.

Office of the secretary to
the Sri Mulam Assembly,
Trivandrum, 23rd February 1937.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Mulam Assembly.

Annexure IV.

THE TRAVANCORE IDENTIFICATION OF PRISONERS BILL

(As approved by the Select Committee).

A Regulation to authorise the taking of measurements and photographs of convicts and others.

Whereas it is expedient to authorise the taking of measurements and photographs of convicts and others; It is hereby enacted as follows:—

Short title and extent.

1. (1) This Regulation may be called the Travancore Identification of Prisoners Regulation;

(2) It shall come into force at once: and

(3) It shall extend to the whole of Travancore.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(a) "measurement" includes finger impressions and foot-print impressions;

(b) "police officer" means an officer in charge of a police station, a police officer making an investigation under Chapter XIV of the code of Criminal Procedure, or any other police officer not below the rank of Sub-Inspector; and

(c) "prescribed" means prescribed by the rules made under this Regulation.

Taking of measurements, etc., of convicted person

3. Every person who has been—

(a) convicted of any offence punishable with rigorous imprisonment for a term of one year or upwards, or of any offence which would render him liable to enhanced punishment on a subsequent conviction; or

(b) ordered to give security for his good behaviour under Section 101 of the Code of Criminal Procedure, shall, if so required, allow his measurements and photograph to be taken by a police officer in the prescribed manner.

Taking of measurements etc., of non-convicted persons.

4. Any person who has been arrested in connection with an offence punishable with rigorous imprisonment for a term of one year or upwards shall, if so required by a police officer allow his measurements to be taken in the prescribed manner.

Power of Magistrate to order a person to be measured or photographed.

5. If a Magistrate is satisfied that, for the purposes of any investigation or proceeding under the code of Criminal Procedure, it is expedient to direct any person to allow his measurements or photograph to be taken, he may make an order to that effect, and in that case the person to whom the order relates shall be produced or shall attend at the time and place specified in the order or shall allow his measurements or photograph to be taken, as the case may be, by a police officer,

Provided that no order shall be made directing any person to be photographed except by a Magistrate of the First Class:

Provided, further, that no order shall be made under this Section unless the person has at some time been arrested in connection with such investigation or proceeding.

6. (1) If any person who under this Regulation is required to allow his measurements or photograph to be taken resists or refuses to allow the taking of the same, it shall be lawful to use all means necessary to secure the taking thereof.

Resistence to the taking of measurements, etc.

(2) Resistance to or refusal to allow the taking of measurements or photographs under this Regulation shall be deemed to be an offence under Section 179 of the Travancore Penal Code.

Destruction of photographs and Records of measurements, etc., on acquittal.

7. Where any person who, not having been previously convicted of an offence punishable with rigorous imprisonment for a term of one year or upwards had had his measurements taken or has been photographed in accordance with the provisions of this Regulation, is released without trial or discharged or acquitted by any Court, all measurements and all photographs (both negatives and copies) so taken shall, unless the Court or (in a case where such person is released without trial) the District Magistrate for reasons to be recorded in writing otherwise directs, be destroyed or made over to him.

Power to make rules.

8. (1) Our Government may make rules for the purpose of carrying into effect the provisions of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—

(*a*) restrictions on the taking of photographs of persons under Section 5 :

(*b*) the place at which measurements and photographs may be taken ;

(*c*) the nature of the measurements that may be taken ;

(*d*) the method in which any class or classes of measurements shall be taken ;

(*e*) the dress to be worn by a person when being photographed under Section 3 ; and

(*f*) the preservation, safe custody, destruction and disposal of records of measurements and photographs ;

Bar of suits.

9. No suit or other proceeding shall lie against any person for anything done, or intended to be done, in good faith under this Regulation or under any rule made thereunder.

Office of the Secretary to the
Sri Mulam Assembly,
Trivandrum, 8th February 1937.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Mulam Assembly.

Annexure V.

THE TRAVANCORE IDENTIFICATION OF PRISONERS BILL.

(As passed by the Sri Mulam Assembly.)

A Regulation to authorise the taking of measurements and photographs of convicts and others.

Whereas it is expedient to authorise the taking of measurements and photographs of convicts and others; It is hereby enacted as follows:—

Short title and extent.

1. (1) This Regulation may be called the Travancore Identification of Prisoners Regulation;

(2) It shall come into force at once; and

(3) It shall extend to the whole of Travancore.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(a) "measurement" includes finger impressions and foot-print impressions;

(b) "police officer" means an officer in charge of a police station, a police officer making an investigation under Chapter XIV of the Code of Criminal Procedure, or any other police officer not below the rank of Sub-Inspector; and

(c) "prescribed" means prescribed by rules made under this Regulation.

Taking of measurements, etc. of convicted person.

3. Every person who has been—

(a) convicted of any offence punishable with rigorous imprisonment for a term of one year or upwards, or of any offence which would render him liable to enhanced punishment on a subsequent conviction; or

(b) ordered to give security for his good behaviour under Section 101 of the Code of Criminal Procedure,

shall, if so required, allow his measurements and photograph to be taken by a police officer in the prescribed mann r.

Taking of measurements, etc, of non convicted persons.

4. Any person who has been arrested in connection with an offence punishable with rigorous imprisonment for a term of one year or upwards shall, if so required by a police officer, allow his measurements to be taken in the prescribed manner.

Power of Magistrate to order a person to be measured or photographed.

5. If a Magistrate is satisfied that, for the purposes of any investigation or proceeding under the Code of Criminal Procedure, it is expedient to direct any person to allow his measurements or photograph to be taken, he may make an order to that effect, and in that case the person to whom the order relates shall be produced or shall attend at the time and place specified in the order and shall allow his measurements or photagraph to be taken, as the case may be, by a police officer:

Provided that no order shall be made directing any person to be photograbed except by a Magistrate of the First Class:

Provided, further, that no order shall be made under this Section unless the person has at some time been arrested in connection with such investigation or proceeding.

6. (1) If any person who under this Regulation is required to allow his measurements or photograph to be taken resists or refuses to allow the taking of the same, it shall be lawful to use all means necessary to secure the taking thereof.

Resistance to the taking of measurements etc.

(2) Resistance to or refusal to allow the taking of measuerments or photographs under this Regulation shall be deemed to be an offence under Section 179 of the Travancore Penal Code.

7. Where any person who, not having been previously convicted of an offence punishable with rigorous imprisonment for a term of one year or upwards had had his measurements taken or has been photographed in accordance with the provisions of this Regulation is released without trial or discharged or acquitted by any Court, all measurements and all photographs (both negatives and copies) so taken shall unless the Court or (in a case where such person is released without trial) the District Magistrate for reasons to be recorded in writing otherwise directs, be destroyed or made over to him.

Destruction of photographs and records of measurements etc., on acquittal.

Power to make rules.

8. (1) Our Government may make rules for the purpose of carrying into effect the provisions of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—

(a) restrictions on the taking of photographs of persons under Section 5;

(b) the place at which measurements and photographs may be taken;

(c) the nature of the measurements that may be taken;

(d) the method in which any class or classes of measurements shall be taken;

(e) the dress to be worn by a person when being photographed under Section 3; and

(f) the preservation, safe custody, destruction and disposal of records of measurements and photographs.

9. No suit or other proceeding shall lie against any person for anything done, or intended to be done in good faith under this Regulation or under any rule made thereunder.

Bar of suits.

Office of the Secretary to the
Sri Mulam Assembly.
Trivandrum, 23rd February 1937.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Mulam Assembly.

Annexure VI.

THE TRAVANCORE BAR COUNCIL BILL

(*As revised by the Select Committee.*)

(The words in italics indicate the amendments suggested by the Select Committee)

A BILL TO PROVIDE FOR THE CONSTITUTION OF A BAR COUNCIL IN TRAVANCORE AND FOR OTHER PURPOSES.

Whereas it is expedient to provide for the constitution and incorporation of a Bar Council in Travancore, to confer powers and impose duties on the Bar Council and to amend the Vakil's Regulation, 1705 and the Travancore Stamp Regulation for certain purposes; It is hereby enacted as follows :—

PRELIMINARY.

Short title, extent, application and Commencement.

1. (i) This Regulation may be called the Travancore Bar Council Regulation.

(ii) It extends to the whole of Travancore.

(iii) This Section and Sections 2, 17, 18 and 20 shall come into force on..................and Our Government may, by notification in Our Government Gazette, direct that the other provisions of this Regulation, or any provision thereof specified in the notification, shall come into force on such date thereafter as Our Government may by notification appoint.

Interpretation.

2. In this Regulation unless there is anything repugnant in the subject or context, —

(*a*) "Advocate" means an advocate entered in the roll of advocates under the provisions of this Regulation.

(*b*) "Advocate-General" means any Law Officer of Our Government or any advocate, declared by Our Government to be Advocate-General for the purposes of this Regulation.

(*c*) "Council" means the Travancore Bar Council constituted under the provisions of this Regulation.

(*d*) "High Court" means a Full Bench of the High Court.

(*e*) "Prescribed" means prescribed by rules made under this Regulation.

(f) "Tout" means a person (a) who procures, in consideration of any remuneration moving from any legal practitioner, the employment of the legal practitioner in any legal business, or who proposes to any legal practitioner or to any person interested in any legal business to procure, in consideration of any remuneration moving from either of them, the employment of the legal practitioner in such business; or (b) who for the purposes of such procurement frequents the precincts of Civil or Criminal Courts or of Revenue offices or railway stations, landing stages, lodging places or other places of public resort.

CONSTITUTION OF BAR COUNCIL.

Constitution and incorporation of Bar Council.

3. (1) A Bar Council shall be constituted for Travancore in the manner hereinafter provided.

(2) The Bar Council so constituted shall be a body corporate having perpetual succession and a common seal with power to acquire and hold property, both movable and immovable, and to contract, and shall by the name of the Tarvancore Bar Council sue and be sued.

Composition of the Bar Council.

4. (1) The Council shall consist of fifteen members of whom—

(a) One shall be the Advocate-General;

(b) Four shall be persons nominated by the High Court, of whom not more than two may be judges of that Court; and

(c) Ten members shall be elected by the advocates from amongst their number.

(2) Of the elected members of the Council not less than five shall be persons who have, for not less than ten years, been entitled as of right to practise in the High Court.

(3) *The Advocate-General shall be the Chairman of the Council and there shall also be* Vice-Chairman elected by the Council in such manner as may be prescribed:

Provided that Our Government may at any time direct that the Chairman also may be elected by the Council in such manner as may be prescribed.

Special provisions regarding constitution of first Bar Council.

5. (1) Notwithstanding anything contained in clause (c) of sub-section (1) of Section 4, the elected members of the first Council shall be elected by and from amongst those who are on the date of the election entitled as of right to practise in the High Court.

(2) The term of office of the nominated and elected members of the first Council shall be three years from the date of the first meeting of the Council

Power to make rules regarding constitution and procedure of the Bar Council

6. (1) Rules, consistent with this Regulation, may be made to provide for the following matters, namely:—

(a) the manner in which elections of members of the Council shall be held; the method of determining, in accordance with the provisions of sub-section (2) of Section 4, the candidate who shall be declared to have been elected; the manner in which the result of the elections shall be published; and the manner in which and the authority by which doubts and disputes as to the validity of an election shall be finally decided;

(b) the terms of office of nominated and elected members of the Council;

(c) the filling of casual vacancies in the Council;

(d) the convening of meetings of the Council, and the quorum necessary for the transaction of business thereat;

(e) the manner of election and the respective terms of office of the Chairman and Vice-Chairman; and

(f) any matter incidental or ancilliary to any of the foregoing matters.

(2) The first rules under this Section shall be made by the High Court, but the Council may thereafter, with the previous sanction of the High Court, and to, amend or rescind any rules so made.

(3) No election of a member or members to the Council shall be called in question on the ground that due notice thereof has not been given to any person entitled to vote thereat, if notice of the date fixed for election has, not less than thirty days before that date, been published in Our Government Gazette.

(4) Rules made under clause (b) of sub-section (1(may provide for the retirement of members from office by rotation and for the manner in which the order of such retirement shall be determined.

Power of Bar Council to make bye-laws.

7. The Council may make bye-laws, consistent with this Regulation and any rules made thereunder, to provide for any of the following matters, namely:—

(a) The appointment of such ministerial officers and servants as the Council may deem necessary, and the pay and allowances and other conditions of service of such officers and servants; and

(b) The appointment and constitution of Committees of the Council, the procedure of such Committees, and the determination of the powers or duties of the Council, which may be delegated to such Committees.

ADMISSION AND ENROLMENT OF ADVOCATES.

Enrolment of Advocates.

8. (1) No person shall be entitled as of right to practice in the High Court or in any of the Courts subordinate thereto unless his name is entered in the roll of advocates maintained under this Regulation:

Provided that those who are enrolled before this *section* comes into force as Vakils of any Court subordinate to the High Court but are not elegible for enrolment as advocates shall be entitled to practise as Vakil so long as their enrolment remains in force:

Provided also that nothing in this Regulation shall be deemed to take away the power of a Criminal Court to permit any person to appear and plead in any Criminal case before that Court under the provisions of the Code of Criminal Procedure.

(2) The High Court shall prepare and maintain a roll of advocates in which shall be entered the names of —

(a) all persons who were entitled as of right to practise in the High Court immediately before the date on which this Regulation comes into force; and

(b) all other persons who are admitted as advocates under this Regulation:

Provided that such persons shall have paid in respect of enrolment the stamp duty, if any, chargeable under the Travancore Stamp Regulation and a fee payable to the Council, which shall be Rs. 10 in the case of persons referred to in clause (a), and in other cases such amount as may be prescribed from time to time by Our Government by notification in Our Government Gazette.

(3) The High Court shall issue a certificate of enrolment to every person enrolled under this Section.

(4) The High Court shall send to the Council a copy of the roll as prepared under the Section, and shall thereafter communicate to the Council all alterations in, and additions to, the roll as soon as the same have been made.

(5) The Council shall enter in the copy of the roll all alterations and additions so communicated to it.

Qualifications and admission of advocates.

9. (1) The Council may, with the previous sanction of the High Court, make rules to regulate the admission of persons as advocates.

Provided that such rules shall not limit, or in any way affect, the powers of the High Court to refuse admission to any person at its discretion.

(2) in particular and without prejudice to the generality of the foregoing power, such rules shall provide for the following matters, namely:—

(a) the qualification to be possessed by persons applying for admission as advocates;

(b) the form and the manner in which applications shall be made to the High Court for admission;

(c) the giving of notice by the High Court to the Council of all such applications;

(d) the hearing by the High Court of any objection preferred on behalf of the Council to the admission of any applicant; and

(e) the charging of fees payable to the Council in respect of enrolment.

(3) Such rules shall also provide for the first and second grade pleaders enrolled as Vakils of any Civil Court in Travancore before the first day of Chingom 1113 M. E being qualified to apply for admission as advocates as the result of an examination held from time to time by or under the supervision of the Council.

MISCONDUCT.

Punishment of Advocate for misconduct.

10. (1) The High Court may, in the manner hereinafter provided, reprimand, suspend or remove from practice any advocate whom it finds guilty of professional or other misconduct.

(2) Upon receipt of a complaint made to it by any Court or by the Council or by any other person that any advocate has been guilty of misconduct, the High Court shall, if it does not summarily reject the complaint, refer the case for enquiry either to the Council or, after consultation with the Council, to the Court of a District Judge (hereinafter referred to as the District Court) and may of its own motion so refer any case in which it has otherwise reason to believe that any advocate has been so guilty.

Tribunal of the Bar Council

11. (1) Where any case is referred for enquiry to the Council under Section 10, the case shall be enquired into by a Committee of the Council (hereinafter referred to as the Tribunal).

(2) The Tribunal shall consist of not less than three and not more than five members of the Council appointed for the purpose of the enquiry by the High Court and one of the members so appointed shall be appointed to be the President of the Tribunal.

Procedure in enquiries

12. (1) The High Court shall make rules to prescribe the procedure to be followed by the Tribunal and by District Courts respectively in the conduct of enquiries referred under Section 10.

(2) The finding of the Tribunal on an enquiry referred to the Council under Section 10 shall be forwarded to the High Court through the Council and the finding of a District Court on such an enquiry shall be forwarded direct to the High Court which shall cause a copy thereof to be sent to the Council,

(3) On receipt of the finding, the High Court shall fix a date for the hearing of the case and shall cause notice of the day so fixed to be given to the advocate concerned and to the Council and to the Advocate-General and shall afford the Advocate concerned and the Council and the Advocate-General an opportunity of being heard before orders are passed in the case.

(4) The High Court may thereafter either pass such final orders in the case as it thinks fit or refer it back for further enquiry to the Tribunal through the Council or to the District Court, as the case may be, and upon receipt of the finding after such further enquiry deal with the case in the manner provided in sub-section (3) and pass final orders thereon.

(5) In passing final orders, the High Court may pass such order as regards the payment of the costs of the enquiry and of the hearing in the High Court as it thinks fit.

(6) The High Court may, of its own motion or on application made to it in this behalf, review any order passed under sub-section (4) or sub-section (5) and maintain, vary or rescind the same as it thinks fit.

(7) When any advocate is reprimanded or suspended under this Regulation, a record of the punishment shall be entered against his name in the roll of advocates; and when an advocate is removed form practice, his name shall forthwith be struck off the roll; and the certificate of any advocate so suspended or removed shall be recalled.

Powers of the Tribunal and Courts in enquiries.

13. (1) For the purposes of any such enquiry as aforesaid, the Tribunal or District Court shall have the same powers as are vested in a Court under the Code of Civil Procedure, 1100, in respect of the following matters, namely:—

(a) enforcing the attendance of any person and examining him upon oath;

(b) compelling the production of documents; and

(c) issuing commissions for the examination of witnesses:

Provided that the Tribunal shall not have power to require the attendance of the presiding officer of any Court save with the previous sanction of the High Court.

(2) Every such enquiry shall be deemed to be a judicial proceeding within the meaning of Sections 187 and 226 of the Travancore Penal Code and the Tribunal shall be deemed to be a Civil Court for the purpose of Sections 359, 361 and 363 of the Code of Criminal Pocedure."

(3) For the purpose of enforcing the attendance of any person and examining him upon oath or of compelling the production of documents or of issuing commissions, the Tribunal may send to any Civil Court any summons or other process for the attendance of a witness or the production of a document required by the Tribunal or any commission which it desires to issue, and the Civil Court shall serve such process or issue such commission as the case may be, and may enforce any such process as if it were a process for attendance or production before itself.

(4) In any such inquiry before a Tribunal or a District Court no witness shall be excused from answering any question as to any matter relevant to the matter in issue upon the ground that the answers to such questions will incriminate or may tend directly or indirectly to incriminate such witness or that it will expose, or tend directly or indirectly to expose, such witness to a penalty or forfeiture of any kind:

Provided that no such answer which a witness is compelled to give shall subject him to any arrest or prosecution or be proved against him in any criminal proceeding except a prosecution for giving false evidence by such answer.

MISCELLANEOUS.

14. (1) An advocate shall be entitled as of right, to practise —

Right of advocates to practise

(a) in the High Court and the Courts subordinate thereto ; and

(b) save as otherwise provided under any other law for the time being in force before any other tribunal or person legally authorised to take evidence ; and

(c) before any other authority or person before whom such advocate is by or under the law for the time being in force, entitled to practise.

(2) Notwithstanding anything in this Regulation or the rules made thereunder any person, whether holding a permanent appointment or not under Government, who may be appointed under the orders of Government to be or to act as, or to be in charge of the office of, any Sirkar Vakil, shall, so long as he holds that office, be deemed to be an advocate.

Explanation.—The term "Sirkar Vakil" includes Head Sirkar Vakil, Additional Head Sirkar Vakil, and all classes of Sirkar Vakils.

General power of the Bar Council to make rules.

15. The Council may, with the previous sanction of the High Court make rules consistent with this Regulation to provide for and regulate any of the following matters, namely :—

(a) the right and duties of the advocates and their discipline and professional conduct ;

(b) The conditions subject to which advocates or practitioners of the High Courts or Chief Courts of other States or Provinces may be permitted to practise in the High Court and the Courts subordinate thereto ;

(c) the giving of facilities for legal education and training and the holding and conduct of examinations by the Council ;

(d) the charging of fees payable to the Council in respect of the enjoyment of educational facilities provided or of the right to appear at examinations held by the Council ;

(e) the investment and management of the funds of the Council ; and

(f) any other matter in respect of which the High Court may riquire rules to be made under this Section.

Power to fix fees payable as costs.

16. The High Court shall, after consulting the Council, make rules for fixing and regulating by taxation or otherwise.—

(a) the fees payable as costs by any party in respect of the fees of his adversary's advocate; and

(b) the fees payable to his own advocate in the High Court or in any Court subordinate thereto.

Indeminity against legal proceedings.

17. No suit or other legal proceeding shall lie against the Council or any Committee, or Tribunal or member of the Council for any act in good faith done or intended to be done in pursuance of the provisions of this Regulation or any rule made thereunder.

Publication of rules.

18. All rules made under this Regulation shall be published in Our Government Gazette.

Power to frame and publish lists of touts.

19. (I) The High Court, every District Judge, Sessions Judge and District Magistrate, each as regards their or his Court and the Courts, if any, subordinate thereto, may frame and publish lists of persons proved, to their or his satisfaction by evidence of general repute or otherwise, to act habitually as touts and may from time to time alter and amend such lists.

(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

(3) A copy of every such list shall be kept hung up in every Court to which the same relates.

(4) The Court or Judge may, by general or special order, exclude from the precincts of the Court any person whose name is included in any such list.

Amendment of enactments.

20. (1) When Sections 8 to 16 come into force, the enactments mentioned in first column of the Schedule shall be amended to the extent and in the manner specified in the second column of the Schedule.

(2) When this Regulation comes into force, any provision of any other enactment or any order, scheme, rule, form or bye-law made thereunder, which was before that date applicable to persons entitled to practise in the High Court shall, unless such a construction is repugnant to the context or to any provisions made by or under this Regulation, be construed as applying to the advocates enrolled under this Regulation.

THE SCHEDULE.

AMENDMENT OF ENACTMENTS

Enactments amended or repealed.	Extent and manner of amendment or repealment.
1. The Vakil's Regulation, 1075 (Regulation III of 1075.)	(1) In Section 4, clauses (*a*) and (*b*) shall be deleted. (2) Sections 5 and 6 shall be deleted. (3) In Section 9, the proviso shall be deleted. (4) Section 12 shall be deleted. (5) In Section 14, the proviso shall be deleted. (6) In Section 15, the words "in the High Court and" occurring after the word "proceeding" shall be deleted. (7) The following shall be added as a new Section at the end :— "32. Nothing in this Regulation shall be deemed to apply to advocates within the meaning of the Travancore Bar Councils Regulation."
The Travancore Stamp Regulation (Regulation IV of 1080.)	(1) In the Schedule, Article 30. (i) for the words "entry as a Vakil on the Roll of the High Court, District Court, Munsiff's Court or Magistrate's Court", occurring in the first column, the word "Enrolment" shall be substituted. (ii) for the words "High Court" occurring in clause (*a*) in the first column, the words "As advocates under the Travancore Bar Councils Regulation" shall be substituted; and (iii) clauses (*b*), (*c*), (*d*) and (*e*) (both the columns) shall be deleted.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Mulam Assembly.

Trivandrum,
8th February 1937.

Annexure VII.

MINUTES OF THE MEETING OF THE STANDING FINANCE COMMITTEE HELD ON THURSDAY, THE 18TH FEBRUARY 1937/7TH KUMBHAM 1112.

The second meeting of the Standing Finance Committee of the Sri Chitra State Council and the Sri Mulam Assembly was held at 12 Noon on Thursday, the 18th February 1937, in the Dewan's room, Public Offices, with Rao Bahadur Rajyasevanirata N. Kunjan Pillai, M. A., B. SC., Ph. D., Chief Secretary to Government, in the Chair. The following members were present:

(1) V. S. Arumukham Pillai Esq., B. A., B. L., Member, Sri Chitra State Council.

(2) Pottayil S. Krishna Panikkar Esq., B. A., B. L., Member, Sri Mulam Assembly.

(3) Pacode A. Narayana Pillai Esq., B. A., B. L., Member, Sri Mulam Assembly.

(4) Rao Bahadur A. Rengasvami Aiyar, B. A., Financial Secretary to Government,

(5) R. Nilakanta Pillai Esq., B. A., B. L., Account Officer.

Publication of Regulations and Proclamations.

1. The Committee took up for consideration the proposal to authorise Mr. M. Chockalingam Pillai, B. A., B. L., High Court Vakil, Trivandrum to publish the Regulations and Proclamations of Travancore which had been enacted since the publication in February 1935 of Vol. VII and the Supplement of the Regulations and Proclamations by the late Mr. R. Ramalingam Aiyar. The volume, which would be similar to the previous publications and consist of about 400 pages, was estimated to cost Bh. Rs. (4-8-0) four and annas eight, but the actual price would be settled only after seeing the book. The minimum number of copies required for distribution among the various departments was 620 and Government proposed to purchase 650 copies. A sum of Bh. Rs. 2,925 was required for the purpose.

The Committee accepted the proposal.

Government Mint.

2. The proposal to provide a sum of Rs. 2,05,000 under "Advances recoverable—Mint advances" for the minting of silver and copper coins of the following denominations was then considered:—

Silver.	*Face value in Sr. Rs.*
Half rupee	1,00,000
Quarter rupee	50,000
One fanam	50,000

Copper.	
One chackram	1,00,000
Half chackram	25,000
Quarter chackram	25,000
One cash	25,000

The new coins would be of the same size and pattern as the existing ones, except that the words "*Bala Rama Varma*" are proposed to be substituted for "*Rama Varma*" and the figure "1112 for "1106" or 1107". Quotations had been obtained from the Birmingham Mint for manufacturing the silver coins at a cost of Rs. 98,900, and for supplying blank for the copper coins (to be pressed in the Trivandrum Mint) at a cost of Rs. 1,05,000. The total sum of Rs. 2,05,000 approximately had therefore to be paid to the Birmingham Mint towards the above cost. This was treated as an advance which would be recouped by adjustment when the coins were put into circulation. A net gain of about Rs. 1·70 lakhs, being the difference between the face value of the coins minted and the actual expenditure on account of the minting, is expected from the minting of coins now proposed.

Mr. Pacode A. Narayana Pillai suggested that the design on the present silver coins should be changed. The British Indian coins had an effigy of the King-Emperor and the Travancore coins also should have an effigy of His Highness the Maharaja. On one side should be the conch and on the other the effigy. This would in a way, be able to prevent counterfeiting.

Mr. Pottayil S. Krishna Panikkar also agreed to this view.

Mr. R. Nilakanta Pillai, Account Officer stated that the question had already been considered by the Government. If the effigy were to be struck, then either the conch or the English and Malayalam writings on the obverse side should be given up. After careful consideration, it was decided to continue the present design.

The Chairman remarked that the only method of putting a stop to counterfeiting was vigilant action on the part of the police.

The Committee agreed to the proposal.

3. The Committee next approved the proposal to provide a sum of Rs. 1,700 on account of the entertainment of a temporary staff and contingencies, for the Government Mint for the minting of copper coins to the face value of Rs. 1,75,000.

Excise staff of the Edava Railway Chowkey.

4. The question of the appointment of one fourth grade Petty Officer, one fourth grade peon and one fifth grade peon, for the chowkey recently opened at Venkulam (Edava) between Kappil and Varkala, was considered and the Committee agreed to the provision of a sum of Rs. 185 for the purpose for five months from the 1st Kumbham 1112.

Rewards to the Police.

5. The Committee next considered the proposal for granting rewards to certain police officers. Government had sanctioned, on the recommendation of the Commissioner of Police, good service entries to

Messrs. V. Sivasankara Pillai and T. R. Raman Pillai, District Superintendents of Police, and a monetary reward of Rs. 25 each to Messrs. S. Bhagavathisubrahmanya Aiyar and E. Subrahmanya Pillai, Assistant Superintendents of Police, and Rs. 20 to Mr. M. Rajaraja Varma, Ag. Assistant Superintendent of Police, Rs. 125 to fourteen Inspectors, Rs. 105 to twenty-one Head constables and Rs. 300 to 300 constables, for doing good work at a number of festivities in Trivandrum, such as the Dusra, the festival in the Sri Padmanabhaswami temple, the Birthday celebrations of His Highness the Maharaja, and the celebrations connected with the Temple Entry Proclamation. The additional allotment thus required was Rs. 600.

Mr. Pottayil S. Krishna Panickar was of opinion that the grant of money rewards for doing normal duties in connection with festivals which occurred every year would set up a bad precedent for the future. The Police had to do heavy work at the time of His Excellency the Viceroy's visit, the Pallikettu ceremony, etc. But, even on such occasions, the Commissioner did not think it necessary to recommend the grant of money rewards.

Mr. Pacode A. Narayana Pillai said that these ordinary occasions recurred every year and the rewards were therefore likely to be repeated annually. Again, discrimination was shown in choosing only certain officers as recipients while every police officer had done work on these occasions.

The Chairman said that the Commissioner of Police chose a few people on the recommendation of his subordinate officers, as the rewards could be granted only to the most deserving of all ranks. This year there was a special reason. The Birthday celebrations and the celebrations connected with the Temple Entry Proclamation came together immediately after the other festivities. All these taxed the police very heavily. He said that the present rewards would not be made a precedent for the future.

The demand was passed.

Rent for the Ayurveda College and Pharmacy.

6. The Committee agreed to the provision of Rs. 8,200 for the payment of arrears of rent due for the Ayurveda College and Pharmacy from Mithunam 1109 to Mithunam 1111.

Additional accommodation in the General Hospital.

7. The Committee approved the proposal to allot a sum of Rs. 10,000 or constructing a fourth block in the General Hospital, Trivandrum, in order to provide additional accommodation to meet the growing needs of the institution.

Fee concessions in private schools.

8. The Committee accepted the proposal for the provision of a sum Rs. 45,000 towards the payment of grants on account of fee concessions to backward and depressed class pupils in private schools which had fallen into arrears for the year 1111 M. E. for want of funds.

Prevention of malaria.

9. The continuance for six months from the 1st Dhanu 1112 of the hospitals and dispensaries opened in the Neyyattinkara and Nedumangad taluks for combating the malaria epidemic was next considered. The Darbar Physician and the Director of Public Health had reported that malaria having become endemic in the above areas, it was necessary to continue the institutions for another six months. The allotment required for the staff and contingencies was Rs. 6,500. After discussion, the Committee agreed to the proposal.

Preparation of a catalogue of Oriental Manuscripts.

10. The provision of Rs. 2,200 for the appointment of staff, etc' for the preparation of a descriptive catalogue of the manuscripts in the Palace Grandhapura and in the Curator's Office, was considered by the Committee. This catalogue had to be ready before the Nineth Session of the All-India Oriental Conference, to be held in Trivandrum in December 1937, so that the delegates to the Conference might be aware of the manuscripts available in the State. The staff was to function for eight months from 1-8-1112 and the total grant required would come to Rs. 4,257. The grant now asked for is Rs. 2,200 for the remaining months of the year.

The Chairman explained that the question was considered by the Finance Committee which sat over the Budget for 1112 M. E. In the light of the remarks of the non-official members of the Committee, further proposals were called for from the Curator, and as a result Government now proposed to take up the preparation of this catalogue. At present, there was no index or catalogue of the manuscripts available in the Palace Grandapura or with the Curator. This catalogue would also be sold to the public, He observed that this matter would again have to be considered by the Finance Committee in connection with the Budget for 1113 as the present demand was only for the current year.

The Committee agreed to the provision of the sum of Rs. 2,200.

Revision of the State Manual.

11. The last item considered by the Committee related to the entertainment of staff for the Special Officer for the revision of the State Manual. The following allotment was approved by the Committee for the purpose :—

1 Manager on Rs. 75 per mensem for four months.		
1 Stenographer on Rs. 30	do.	do.
3 clerks on Rs. 25 each	do.	do.
1 typist on Rs. 25	do.	do.
5 peons on Rs. 9 each	do.	do.
	Total Rs.	2,000
Contingencies for four months	,,	220
Honorarium to expert assistants	,,	400
	Total	2,620

Mr. V. S. Arumukham Pillai expressed a fear that, since there was no Tamilian on the staff, there might not be any mention about Nanjinad at all in the new State Manual.

The Chairman pointed out that Messrs. Sivaramakrishna Sastri and Venkatarama Sarma were Tamilians.

Mr. Pacode A. Narayana Pillai asked whether there was any time-limit for finishing the work.

The Chairman replied that the work was required to be finished in seven months and that three months had already elapsed. The Manual was expected to be ready before the Oriental Conference.

12. In pursuance of the undertaking given by the Dewan at the meeting of the Public Accounts Committee which considered the Audit and Appropriation Report for 1110, that a statement of the items of expenditure authorised by Government under Section 32 of Regulation II of 1108 would be placed before the Finance Committee, the Chairman announced that no item of expenditure was authorised by Government under Section 32 of Regulation II of 1108 since the last meeting of the Legislature.

The Committee adjourned *sine die* at 1 P. M.

K. MADHAVA KURUP,
Convener,
Standing Finance Committee

Trivandrum,
26th February 1937.

Annexure

THE TRAVANCORE BAR COUNCIL BILL.

(*As passed by the Sri Mulam Assembly.*)

A BILL TO PROVIDE FOR THE CONSTITUTION OF A BAR COUNCIL IN TRAVANCORE AND FOR OTHER PURPOSES.

Whereas it is expedient to provide for the constitution and incorporation of a Bar Council in Travancore, to confer powers and impose duties on the Bar Council and to amend the Vakil's Regulation, 1075 and the Travancore Stamp Regulation for certain purposes; It is hereby enacted as follows :—

PRELIMINARY.

Short title, extent, application and Commencement.

1. (i) This Regulation may be called the Travancore Bar Council Regulation.

(ii) It extends to the whole of Travancore.

(iii) This Section and Sections 2, 17, 18 and 20 shall come into force on the 1st day of Chingom 1113 and Our Government may, by notification in Our Government Gazette, direct that the other provisions of this Regulation, or any provision thereof specified in the notification, shall come into force on such date thereafter as Our Government may by notification appoint.

Interpretation.

2. In this Regulation unless there is anything repugnant in the subject or context, —

(*a*) "Advocate" means an advocate entered in the roll of advocates under the provisions of this Regulation.

(*b*) "Advocate-General" means any Law Officer of Our Government or any advocate, declared by Our Government to be Advocate-General for the purposes of this Regulation.

(*c*) "Council" means the Travancore Bar Council constituted under the provisions of this Regulation.

(*d*) "High Court" means a Full Bench of the High Court.

(*e*) "Prescribed" means drescribed by rules made under this Regualtion.

(*f*) "Tout" means a person (*a*) who procures, in consideration of any remuneration moving from any legal practitioner, the employment of the legal practitioner in any legal business ; or who proposes to any legal practitioner or to any person interested in any legal business to procure. In consideration of any remuneration moving from either of them, the employment or the legal practitioner in such business ; or (*b*) who for the purposes of such procurement frequents the precincts of Civil or Criminal Courts or of Revenue Offices, or railway stations, landing stages, lodging places or other places of public resort.

CONSTITUTION OF BAR COUNCIL.

Constitution and incorporation of Bar Council.

3. (1) A Bar Council shall be constituted for Travancore in the manner hereinafter provided.

Clause 5.

Substitute the following for Clause 5 :—

"All rights and interests which any widow may have in her deceased husband's property by way of maintenance, or by inheritance to her husband or to his lineal successors, or by virtue of any will or testamentary disposition conferring upon her, without express permission to remarry, only a limited interest in such property, with no power of alienating the same, shall upon her remarriage cases and determine as if she had then died; and the next heirs of her deceased husband, or other persons entitled to the property on her death, shall thereupon succeed to the same."

The committee is of opinion that the widow should be divested of her rights in her deceased husband's property on her remarriage.

Clause 6.

Substitute the following for Clause 6 :—

"On the remarriage of a Hindu widow, if neither the widow nor any other person has been expressly constituted by the will or testamentary disposition of the deceased husband the guardian of his children, the father or paternal grandfather or the mother or paternal grandmother of the deceased husband, or any male relative of the deceased husband, may petition the District Court having jurisdiction in the place where the deceased husband was domiciled at the time of his death for the appointment of some proper person to be guardian of the said children, and thereupon it shall be lawful for the said Court, if it shall think fit, to appoint such guardian, who when appointed shall be entitled to have the care and custody of the said children, or of any of them during their minority, in the place of their mother; and in making such appointment the Court shall be guided, so far as may be, by the laws and rules in force touching the guardianship of children who have neither father nor mother:

Provided that, when the said children have not property of their own sufficient for their support and proper education whilst minors, no such appointment shall be made otherwise than with the consent of the mother unless the proposed guardian shall have given security for the support and proper education of the children whilst minors."

The change is effected to bring the law into line with that in British India.

Clause 7.

In Clause 7, line 1, add the word "two" between the words "the" and "preceding" and change the word "Section" into "Sections."

The Committee recommends that the Bill as settled by it be re-published. The Bill was published in the Government Gazette, dated the 1st December 1936.

(Sd.) T. K. Velu Pillai.
(Chairman)

Mr. Kayalam Paramesvaran Pillai (subject to the right of moving amendments).
,, A. Easwara Pillai (Kalkulam II).
,, K. Padmanabhan (subject to my right to move amendments in the Assembly).
,, N. E. Varughese.
,, K. R. Elenkath (subject to my right to move amendments in the Assembly).
,, A. Thanu Pillai.
,, K. Kunjukrishna Pillai, (subject to the right of moving amendments).
,, M. Sivathanu Pillai.
,, T. T. Kesavan Sastri.
,, T. Narayani Amma, (subject to the right of moving amendments).
,, H. Gnanasikamony, (subject to the right of moving amendments in the Assembly).
,, G. Neelakantan.
,, S. Paramesvara Aiyar.
,, T. P. Velayudhan Pillai.
,, P. Chidambaram Pillai (subject to my right to move amendments).
,, K. A. Narayana Pillai.
P. C. Narayanan Bhattathiripad.

(2) The High Court shall prepare and maintain a roll of advocates in which shall be entered the names of—

(a) all persons who were entitled as of right to practise in the High Court immediately before the date on which this Regulation comes into force; and

(b) all other persons who are admitted as advocates under this Regulation:

Provided that such persons shall have paid in respect of enrolment the stamp duty, if any, chargeable under the Travancore Stamp Regulation and a fee payable to the Council, which shall be Rs. 10 in the case of persons referred to in clause (a), and in other cases such amount as may be prescribed.

(3) The High Court shall issue a certificate of enrolment to every person enrolled under this Section.

(4) The High Court shall send to the Council a copy of the roll as prepared under the Section, and shall thereafter communicate to the Council all alterations in, and additions to, the roll as soon as the same have been made.

(5) The Council shall enter in the copy of the roll all alterations and additions so communicated to it.

Qualifications and admission of advocates.

9. (1) The Council may, with the previous sanction of the High Court, make rules to regulate the admission of persons as advocates.

Provided that such rules shall not limit, or in any way affect, the powers of the High Court to refuse admission to any person at its discretion.

(2) in particular and without prejudice to the generality of the foregoing power, such rules shall provide for the following matters, namely:—

(a) the qualification to be possessed by persons applying for admission as advocates;

(b) the form and the manner in which applications shall be made to the High Court for admission;

(c) the giving of notice by the High Court to the Council of all such applications;

(d) the hearing by the High Court of any objection preferred on behalf of the Council to the admission of any applicant; and

(e) the charging of fees payable to the Council in respect of enrolment.

(3) Such Rules shall, notwithstanding anything contained above in this Section, provide also for those second grade pleaders who are vakils of any District Munsiff's Court in Travancore on the 1st day of Chingam 1113 M. E. and continue to be such being qualified to apply for enrolment as vakil of any District Court as the result of an examination held from time to time (for which a fee may be charged) by or under the supervision of the Council and for the persons so qualified being enrolled as vakils of any district Court, and certificates of enrolment granted, by the High Court, on payment of the stamp duty, if any, chargeable under the Travancore Stamp Regulation: Provided that nothing in the rules shall limit or in any way affect the powers of the High Court to refuse enrolment to any person at its discretion.

MISCONDUCT.

10. (1) The High Court may, in the manner hereinafter provided, reprimand, suspend or remove from practice any advocate whom it finds guilty of professional or other misconduct.

Punishment of Advocate for misconduct.

(2) Upon receipt of a complaint made to it by any Court or by the Council or by any other person that any advocate has been guilty of misconduct, the High Court shall, if it does not summarily reject the complaint, refer the case for enquiry either to the Council or, after consultation with the Council, to the Court of a District Judge (hereinafter referred to as the District Court) and may of its own motion so refer any case in which it has otherwise reason to believe that any advocate has been so guilty.

11. (1) Where any case is referred for enquiry to the Council under Section 10, the case shall be enquired into by a Committee of the Council (hereinafter referred to as the Tribunal).

Tribunal of the Bar Council

(2) The Tribunal shall consist of not less than three and not more than five members of the Council appointed for the purpose of the enquiry by the High Court and one of the members so appointed shall be appointed to be the President of the Tribunal.

12. (1) The High Court shall make rules to prescribe the procedure to be followed by the Tribunal and by District Courts respectively in the conduct of enquiries referred under Section 10.

Procedure in enquiries

(2) The finding of the Tribunal on an enquiry referred to the Council under Section 10 shall be forwarded to the High Court through the Council and the finding of a District Court on such an enquiry shall be forwarded direct to the High Court which shall cause a copy thereof to be sent to the Council.

(3) On receipt of the finding, the High Court shall fix a date for the hearing of the case and shall cause notice of the day so fixed to be given to the advocate concerned and to the Council and to the Advocate -General and shall afford the advocate concerned and the Council and the advocate general opportunity of being heard before orders are passed in the case.

(4) The High Court may thereafter either pass such final orders in the case as it thinks fit or refer it back for further enquiry to the Tribunal through the Council or to the District Court, as the case may be, and upon receipt of the finding after such further enquiry deal with the case in the manner provided in sub-section (3) and pass final orders thereon.

(5) In passing final orders, the High Court may pass such order as regards the payment of the costs of the enquiry and of the hearing in the High Court as it thinks fit.

(6) The High Court may, of its own motion or on application made to it in this behalf, review any order passed under sub-section (4) or sub-section (5) and maintain, vary or rescind the same as it thinks fit.

(7) When any advocate is reprimanded or suspended under this Regulation, a record of the punishment shall be entered against his name in the roll of advocates; and when an advocate is removed form practice, his name shall forthwith be struck off the roll; and the certificate of any advocate so suspended or removed shall be recalled.

13. (1) For the purposes of any such enquiry as aforesaid, the Tribunal or District Court shall have the same powers as are vested in a Court under the Code of Civil Procedure, 1100, in respect of the following matters, namely :—

Powers of the Tribunal and Courts in enquiries.

(a) enforcing the attendance of any person and examining him upon oath;

(b) compelling the production of documents; and

(c) issuing commissions for the examination of witnesses:

Provided that the Tribunal shall not have power to require the attendance of the presiding officer of any Court save with the previous sanction of the High Court.

(2) Every such enquiry shall be deemed to be a judicial proceeding within the meaning of Sections 187 and 226 of the Travancore Penal Code and the Tribunal shall be deemed to be a Civil Court for the purpose of Sections 359, 361 and 363 of the Code of Criminal Pocedure."

(3) For the purpose of enforcing the attendance of any person and examining him upon oath or of compelling the production of documents or of issuing commissions, the Tribunal may send to any Civil Court any summons or other process for the attendance of a witness or the production of a document required by the Tribunal or any commission which it desires to issue, and the Civil Court shall serve such process or issue such commission as the case may be, and may enforce any such process as if it were a process for attendance or production before itself.

(4) In any such inquiry before a Tribunal or a District Court no witness shall be excused from answering any question as to any matter relevant to the matter in issue upon the ground that the answers to such questions will incriminate or may tend directly or indirectly to incriminate such witness or that it will expose, or tend directly or indirectly to expose, such witness to a penalty or forfeiture of any kind:

Provided that no such answer which a witness is compelled to give shall subject him to any arrest or prosecution or be proved against him in any criminal proceeding except a prosecution for giving false evidence by such answer.

MISCELLANEOUS.

Right of advocates to practise.

14. (1) An advocate shall be entitled as of right, to practise.—

(a) in the High Court and the Courts subordinate thereto; and

(b) save as otherwise provided under any other law for the time being in force before any other tribunal or person legally authorised to take evidence; and

(c) before any other authority or person before whom such advocate is by or under the law for the time being in force, entitled to practise.

(2) Notwithstanding anything in this Regulation or the rules made thereunder any person, whether holding a permanent appointment or not under Government, who may be appointed under the orders of Government to be or to act as, or to be in charge of the office of, any Sirkar Vakil, shall, so long as he holds that office, be deemed to be an advocate.

Explanation.—The term "Sirkar Vakil" includes Head Sirkar Vakil, Additional Head Sirkar Vakil, and all classes of Sirkar Vakils.

General power of the Bar Council to make rules.

15. The Council may, with the previous sanction of the High Court make rules consistent with this Regulation to provide for and regulate any of the following matters, namely:—

(a) the right and duties of the advocates and their discipline and professional conduct;

(b) The conditions subject to which advocates or practitioners of the High Courts or Chief Courts of other States or Provinces may be permitted to practise in the High Court and the Courts subordinate thereto;

(c) the giving of facilities for legal education and training and the holding and conduct of examinations by the Council ;

(d) the charging of fees payable to the Council in respect of the enjoyment of educational facilities provided or of the right to appear at examinations held by the Council ;

(e) the investment and management of the funds of the Council ; and

(f) any other matter in respect of which the High Court may riquire rules to be made under this Section.

16. The High Court shall, after consulting the Council, make rules for fixing and regulating by taxation or otherwise,—

Power to fix fees payable as costs.

(a) the fees payable as costs by any party in respect of the fees of his adversary's advocate; and

(b) the fees payable to his own advocate in the High Court or in any Court subordinate thereto.

17. No suit or other legal proceeding shall lie against the Council or any Committee, or Tribunal or member of the Council for any act in good faith done or intended to be done in pursuance of the provisions of this Regulation or any rule made thereunder.

Indemnity against legal proceedings.

18. All rules made under this Regulation shall be published in Our Government Gazette.

Publication of rules.

19. (1) The High Court, every District Judge, Sessions Judge and District Magistrate, each as regards their or his Court and the Courts, if any, subordinate thereto, may frame and publish lists of persons proved, to their or his satisfaction by evidence of general repute or otherwise, to act habitually as touts and may from time to time alter and amend such lists.

Power to frame and publish lists of touts.

(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

(3) A copy of every such list shall be kept hung up in every Court to which the same relates.

(4) The Court or Judge may, by general or special order, exclude from the precincts of the Court any person whose name is included in any such list.

20. (1) When Sections 8 to 16 come into force, the enactments mentioned in first column of the Schedule shall be amended to the extent and in the manner specified in the second column of the Schedule.

Amendment of enactments.

(2) When this Regulation comes into force, any provision of any other enactment or any order, scheme, rule, form or bye-law made thereunder, which was before that date applicable to persons entitled to practise in the High Court shall, unless such a construction is repugnant to the context or to any provisions made by or under this Regulation, be construed as applying to the advocates enrolled under this Regulation.

THE SCHEDULE.

AMENDMENT OF ENACTMENTS.

Enactments amended or repealed.	Extent and manner of amendment or repealment.
1. The Vakil's Regulation, 1075. (Regulation III of 1075.)	(1) In Section 4, clauses (*a*) and (*b*) shall be deleted. (2) Sections 5 and 6 shall be deleted. (3) In Section 9, the proviso shall be deleted. (4) Section 12 shall be deleted. (5) In Section 14, the proviso shall be deleted. (6) In Section 15, the words "in the High Court and" occurring after the word "proceeding" shall be deleted. (7) The following shall be added as a new Section at the end:— "32. Nothing in this Regulation shall be deemed to apply to advocates within the meaning of the Travancore Bar Councils Regulation."
The Travancore Stamp Regulation (Regulation IV of 1080.)	In the Schedule, Article 30. (i) for the words "entry as a vakil on the Roll of the High Court, District Court, Munsiff's Court or Magistrate's Court", occurring in the first column, the word "enrolment" shall be substituted. (ii) for the words "High Court" occurring in Clause (*a*) in the first column, the words "As advocates under the Travancore Bar Councils Regulation" shall be substituted; and for the words "District Court" occurring in Clause (*b*) in the first column, the words "As vakil of any District Court under the Travancore Bar Council Regulation" shall be substituted; and (iii) clauses (*c*), (*d*) and (*e*) (both the columns) shall be deleted.

Annexure I

REPORT OF THE SELECT COMMITTEE ON THE TRAVANCORE HINDU WIDOWS' RE-MARRIAGE BILL.

To

The President,
Sri Mulam Assembly,
Trivandrum.

Sir,

We, the undersigned, members of the Select Committee, appointed to consider the Travancore Hindu Widows' Remarriage Bill, have considered its provisions clause by clause and beg to submit this our

REPORT.

CLAUSE 1.

In Clause 1, insert the following as sub-clause (iii) :—

"This Regulation shall apply to all marriage of Hindu widows contracted before the commencement of, and subsisting on the date of, this Regulation, or contracted on or after the commencement of this Regulation whether such marriages be allowed by custom or not."

The Committee is of opinion that widow marriages contracted before and subsisting at the time of the passing of this Bill should also be validated.

Renumber the existing sub-clause (iii) as sub-clause (iv).

CLAUSE 2.

In Clause 2, line 2, substitute the words "the issue of no" for the words "no issue of any" and delete the last portion of the Clause beginning with "provided that the parties."

CLAUSE 4.

Substitute the following for the first paragraph of Clause 4:—

"A widow who has not completed her sixteenth year shall not remarry without the consent of her father, or, if she has no father, of her mother, or, if she has no mother, of her elder brother, or, failing also elder brothers, of her next male relative."

The Committee is of opinion that, in every case where the widow is under sixteen years of age, she ought to get the consent of her guardian before she remarries. The latter portion of the amendment only makes the provision clearer.

In lines 6 and 7 delete the words "or whose previous marriage has been consummated." This amendment is consequential on the amendment already made.

CLAUSE 5.

Substitute the following for Clause 5 :—

"All rights and interests which any widow may have in her deceased husband's property by way of maintenance, or by inheritance to her husband or to his lineal successors, or by virtue of any will or testamentary disposition conferring upon her, without express permission to remarry, only a limited interest in such property, with no power of alienating the same, shall upon her remarriage cases and determine as if she had then died ; and the next heirs of her deceased husband, or other persons entitled to the property on her death, shall thereupon succeed to the same."

The committee is of opinion that the widow should be divested of her rights in her deceased husband's property on her remarriage.

CLAUSE 6.

Substitute the following for Clause 6 :—

"On the remarriage of a Hindu widow, if neither the widow nor any other person has been expressly constituted by the will or testamentary disposition of the deceased husband the guardian of his children, the father or paternal grandfather or the mother or paternal grandmother of the deceased husband, or any male relative of the deceased husband, may petition the District Court having jurisdiction in the place where the deceased husband was domiciled at the time of his death for the appointment of some proper person to be guardian of the said children, and thereupon it shall be lawful for the said Court, if it shall think fit, to appoint such guardian, who when appointed shall be entitled to have the care and custody of the said children, or of any of them during their minority, in the place of their mother ; and in making such appointment the Court shall be guided, so far as may be, by the laws and rules in force touching the guardianship of children who have neither father nor mother :

Provided that, when the said children have not property of their own sufficient for their support and proper education whilst minors, no such appointment shall be made otherwise than with the consent of the mother unless the proposed guardian shall have given security for the support and proper education of the children whilst minors."

The change is effected to bring the law into line with that in British India.

CLAUSE 7.

In Clause 7, line 1, add the word "two" between the words "the" and "preceding" and change the word "Section" into "Sections."

The Committee recommends that the Bill as settled by it be re-published. The Bill was published in the Government Gazette, dated the 1st December 1936.

(Sd.) T. K. Velu Pillai.
(Chairman)

Mr. Kayalam Paramesvaran Pillai (subject to the right of moving amendments).
" A. Easwara Pillai (Kalkulam II).
" K. Padmanabhan (subject to my right to move amendments in the Assembly).
" N. E. Varughese.
" K. R. Elenkath (subject to my right to move amendments in the Assembly).
" A. Thanu Pillai.
" K. Kunjukrishna Pillai, (subject to the right of moving amendments).
" M. Sivathanu Pillai.
" T. T. Kesavan Sastri.
" T. Narayani Amma, (subject to the right of moving amendments).
" H. Gnanasikamony, (subject to the right of moving amendments in the Assembly).
" G. Neelakantan.
" S. Paramesvara Aiyar.
" T. P. Velayudhan Pillai.
" P. Chidambaram Pillai (subject to my right to move amendments).
" K. A. Narayana Pillai.
P. C. Narayanan Bhattathiripad.

Annexure II.

THE TRAVANCORE HINDU WIDOW'S REMARRIAGE BILL.

(*As rsvised by the Select Committee*).

(The words in italics indicate the amendments suggested by the Select Committee).

A BILL TO REMOVE ALL LEGAL OBSTACLES TO THE MARRIAGE OF HINDU WIDOWS IN TRAVANCORE.

Preamble.

Whereas the removal of all legal obstacles to the marriage of Hindu widows in the State will tend to the promotion of good morals and to the public welfare and whereas it is just to hold the offspring of such marriages as legitimate; It is enacted as follows —

Short title, extent and commencement.

1. (i) This Regulation may be called The Travancore Hindu Widows' Remarriage Regulation, 1110.

(ii) It shall extend to the whole of Travancore.

(iii) *This Regulation shall apply to all marriages of Hindu widows contracted before the commencement of, and subsisting on the date of, this Regulation, or contracted on or after the commencement of this Regulation whether such marriages be allowed by custom or not.*

(iv) It shall come into operation at once.

Marriage of Hindu widows legalised.

2. Notwithstanding any custom and any interpretation of Hindu Law to the contrary, no marriage contracted between Hindus shall be invalid, and *the issue of no* such marriage shall be illegitimate, by reason of the woman having been previously married or betrothed to any other person who has dead at the time of such marriage.

Ceremonies constituting valid marriage to have the same effect on widow remarriage.

3. Whatever words spoken, ceremonies performed or engagements made on the marriage of a Hindu female who has not been previously married, are sufficient to constitute a valid marriage, shall have the same effect if spoken, performed or made on the marriage of a Hindu widow; and no marriage shall be declared invalid on the ground that such words, ceremonies or engagements are inapplicable in the case of a widow.

Consent to the remarriage of a widow who has not completed sixteenth year.

4. *A widow who has not completed her sixteenth year shall not remarry without the consent of her father, or if she has no father, of her mother, or if she has no mother, of her elder brother, or failing also elder brothers, of her next male relative.'*

The consent of the guardian shall be presumed until the contrary is proved.

In the case of a widow who has completed her sixteenth year, her own consent shall be sufficient to constitute her remarriage lawful and valid.

Rights of widow to cease on her remarriage.

5. *All rights and interests which any widow may have in her deceased husband's property by way of maintenance, or by inheritance to her husband or to his lineal successors, or by virtue of any will or testamentary disposition conferring upon her, without express permission to remarry, only a limited interest in such property, with no power of alienating the same, shall upon her remarriage cease and determine as if she had then died ; and the next heirs of her deceased husband, or other persons entitled to the property on her death, shall thereupon succeed to the same.*

Guardianship of children of deceased husband on the remarriage of his widow

6. *On the remarriage of a Hindu widow, if neither the widow nor any other person has been expressly constituted by the will or testamentary disposition of the deceased husband the guardian of his children, the father or paternal grandfather or the mother or paternal grandmother, of the deceased husband, or any male relative of the deceased husband, may petition the District Court having jurisdiction in the place where the deceased husband was domiciled at the time of his death for the appointment of some proper person to be guardian of the said children, and thereupon it shall be lawful f r the said Court, if it shall think fit to appoint such guardian who wh n appointed shall be entitled to have the care and custody of the said children or of a y of them during their minority in the place of their mother; and in making such appointment the Court shall be guided so far as may be by the laws and rules in force touching the guardianship of children who have neither father nor mother :*

Provided that when the said children have not property of their own sufficient for their support and proper education whilst minors no such appointment shall be made otherwise than with the consent of the mother unless the proposed guardian shall have given security for the support and proper education of the children whilst minors.

Saving of rights of widows remarrying.

7. Except as is provided in the *two* preceding *Sections* a widow shall not, by reason of her remarriage, forfeit any property or any right to which she would otherwise be entitled; and every widow who has remarried shall have the same rights of inheritance as she would have had, had such marriage been her first marriage.

Annexure III.

THE TRAVANCORE HINDU WIDOWS REMARRIAGE BILL.

(As passed by the Sri Mulam Assembly.)

A BILL TO REMOVE ALL LEGAL OBSTACLES TO THE MARRIAGE OF HINDU WIDOWS IN TRAVANCORE.

Preamble.

Whereas the removal of all legal obstacles to the marriage of Hindu widows in the State will tend to the promotion of good morals and to the public welfare and whereas it is just to hold the offspring of such marriages as legitimate; It is enacted as follows:—

Short title, extent and commencement.

1. (i) This Regulation may be called The Travancore Hindu Widows' Remarriage Regulation.

(ii) It shall extend to the whole of Travancore.

(iii) This Regulation shall apply to all marriages of Hindu widows contracted before the commencement of, and subsisting on the date of this Regulation, or contracted on or after the commencement of this Regulation whether such marriages be allowed by custom or not.

(iv) It shall come into operation at once.

Marriage of Hindu widows legalised.

2. Notwithstanding any custom and any interpretation of Hindu Law to the contrary, no marriage contracted between Hindus shall be invalid, and the issue of no such marriage shall be illegitimate, by reason of the woman having been previously married or betrothed to any other person who was dead at the time of such marriage.

Ceremonies constituting valid marriage to have the same effect on widow remarriage.

3. Whatever words spoken, ceremonies performed or engagements made on the marriage of a Hindu female who has not been previously married, are sufficient to constitute a valid marriage, shall have the same effect if spoken, performed or made on the marriage of a Hindu widow; and no marriage shall be declared invalid on the ground that such words, ceremonies or engagements are inapplicable in the case of a widow.

Consent to the remarriage of a widow who has not completed sixteenth year.

4. A widow who has not completed her sixteenth year shall not remarry without the consent of her father, or if she has no father, of her mother, or if she has no mother of her elder brother, or failing also elder brothers, of her next male relative.

The consent of the guardian shall be presumed until the contrary is proved.

In the case of a widow who has completed her sixteenth year, her own consent shall be sufficient to constitute her remarriage lawful and valid.

5. All rights and interests which any widow may have in her deceased husband's property by way of maintenance, or by inheritance to her husband or to his lineal successors, or by virtue of any will or testamentary disposition conferring upon her, without express permission to remarry, only a limited interest in such property with no power of alienating the same, shall upon her remarriage cease and determine as if she had then died; and the next heirs of her deceased husband, or other persons entitled to the property on her death, shall thereupon succeed to the same.

Rights of widow to cease on her remarriage.

6. On the remarriage of a Hindu widow, if neither the widow nor any other person has been expressly constituted by the will or testamentary disposition of the deceased husband the guardian of his children, the father or paternal grandfather or the mother or paternal grandmother, of the deceased husband or any male relative of the deceased husband, may petition the District Court having jurisdiction in the place where the deceased husband was domiciled at the time of his death for the appointment of some proper person to be guardian of the said children, and thereupon it shall be lawful for the said Court, if it shall think fit, to appoint such guardian who when appointed shall be entitled to have the care and custody of the said children, or of any of them during their minority, in the place of their mother · and in making such appointment the Court shall be guided so far as may be by the laws and rules in force touching the guardianship of children who have neither father nor mother.

Guardianship of children of deceased husband on the remarriage of his widow.

Provided that, when the said children have not property of their own sufficient for their support and proper education whilst minors, no such appointment shall be made otherwise than with the consent of the mother unless the proposed guardian shall have given security for the support and proper education of the children whilst minors.

7. Except as is provided in the two preceding Section a widow shall not, by reason of her remarriage, forfeit any property or any right to which she would otherwise be entitled, and every widow who has remarried shall have the same rights of inheritance as she would have had, had such marriage been her first marriage.

Saving of rights of widows remarrying.

INDEX

TO THE

TRAVANCORE SRI MULAM ASSEMBLY

VOLUME IX.

	Pages
A	
Abdur Rahiman Sahib, Mr. N.	
Adjournment Motion	
Election to the Legislature ...	931-932
Farewell speech ...	1129
Questions	
Anchal Department—caste statement of officers of the ...	464
Fee concessions to Muslims ...	173
Fort Hospital ...	513
Fridays—Posting of cases on ...	793
Koran in Law Courts ...	698
Land acquisition in Tirupuram pakuthi ...	465
Medical Department—Levy of fees from out-patients ...	69
Muslim Associations—Grants to ...	792
Muslim Education—G. O. on ...	465
Muslim lady graduate teachers ...	181
Railway Station at Veli ...	947
Trivandrum - District Court, sheds in the ...	792
,, —Panchayat Court ...	696
,, - Roads, widening of ...	605
Supplementary Questions	
Municipalities—Appointments in the ...	722
Poovar—Land acquisition at ...	723
Welcome to Sir C. P. ...	22
Abraham, Mr. K. C.	
Bill	
Bar Council Bill-Pleaders' becoming advocates...	887-889
Farewell speech ...	1116,1123

G. P. T. 1801. 350.

	Pages
Achyuthan, Mr. A.	
Bill—Kammala Bill ...	762-763
Question—	
Bridge on the Mavelikara—Trikkunnapuzha road ...	721
Adjournment Motions.	
Agriculturist Debt Relief Bill ...	886,955,962-963
Election to the Legislature ...	886,926-938
Fishing in paddy fields ..	886
Pallivasal Scheme ...	955,963-966
Tobacco smugglers at Ramangalam—Police excesses on ...	844-969
Notices of—Election time ...	15
„ —Rupee coins bearing Queen's effigy...	15
„ —Tobacco smugglers at Ramangalam and the Police ...	862
„ —Voting right and pokkuvaravu work ...	15
Alexander, Mr. T. K.	
Questions—	
Cocoanuts—Export of ...	318
Cocoanut—Railway freight on ...	1045
K. D. H. P. Company ...	612
Mannankandam Valley ...	613
Marketing officers ...	526
Road from Kumarapuram to Tammanam ...	1045
Rubber Factory ...	970
Rubber goods—Agency for sale of ...	718
Alleppey Port—Dredger at—Demand for ...	574
B	
Bills.	
Agriculturists Relief Bill—Final passing of —Third reading of ...	201,213
Board—Effect of non-disposal by within prescribed time ...	81-97
Otti to be treated as hypothecation ...	194
Retrospective reduction of interest ...	122-167,186-193
Ancient Monuments Preservation Bill ...	252-263
„ —Third reading ...	323-324
Bar Council Bill ...	438-440,837-844 887-924,955,962
„ —Pleaders' becoming advocates...	887-925
„ —Second Grade Pleaders becoming first grade ...	921-925

	Pages
Bills—(*contd.*)	
Boilers Bill ...	213
Civil Courts' Powers (Amendment) Bill ...	425-436
Co-operative Societies Bill ...	264-396
,, —Appeal against Registrar's order superseding Managing Committee ...	292
,, —Audit fee ...	276-279
,, —Financing Bank—Definition of ...	264-265
,, —Government's power to revise Registrar's decisions ...	293-295
,, —Limited or unlimited liability to be decided by members ...	265-270
,, —Loans to depositors ...	280-282
,, —Registrar's discretion re registration ...	271-276
,, —Powers to supersede Managing Committee ...	282-292
,, —Right to summon ...	279-280
,, —Third Reading of ...	324-325
Forest Regulation Amendment Bill ...	447-448, 835
Improvements Compensation Bill—Question re...	467
Income Tax Regulation Amendment Bill ...	479-503,832-834
Kammala Bill ...	658-685;737-773
Life Insurance Companies Bill ...	420-425
Medical Registration Bill ...	448-451
Prisoners Identification Bill ...	436-438,835-837
Rubber Control Bill ...	214-236,249-252
,, —Cultivation of rubber ...	233-235
Rubber Control Bill—dropping of ...	214-217
,, —Replanting ...	228-231
,, —Replanting—Date re ...	231-233
,, —Time-limit for operation of ...	217-227
Survey and Boundaries Regulation (Amendment) Bill ...	452, 503-509
,, — Counterfeit survey marks ...	503-509
Trade Unions Bill ...	296-306,325-376 410-420
,, —Appeal over Registrar's order, to be with the High Court ...	303-305
,, —Percentage of on the executive ...	373-376,412-417
,, —Plantation Labour ...	296-298

	Pages
Bills—(*contd.*)	
,, —Unions – Definition of ...	299-300
,, — ,, —Members' privileges...	369-373
,, — ,, —Registration of ...	305-306
	324-367
,, — ,, Scope of ...	367-368
Widow Remarriage Bill ...	634-658,978-985
Workmen's Compensation Bill ...	440-446
C	
Chacko, Mr. V. T.	
Questions—	
School buildings as places of worship ...	727
Resolution—	
A. S. Ps.—Abolition of ...	989-993
Supplementary Question—	
Kottayam District Surgeon ...	799
Chandrasekharan, Mr. C. V.	
Supplementary Demand—Grant for fee concession compensation ...	803-804
Chattanatha Karayalar, Mr. S.	
Bills	
Income Tax Regulation Amendment Bill ...	483-485
Kammala Bill ...	755-758
Trade Unions Bill	
Registration of Unions ...	342-344
Widow Remarriage Bill ...	653-654
Public Accounts Committee Report	
Debate on the creation of a P. W. D. Reserve Fund ...	587-588
Supplementary Question	
Sugar Factory (Thuckalai) ...	701
Chidambaram Pillai, Mr. P.	
Bills—	
Agriculturists Relief Bill—Third reading—Board's territorial jurisdiction ...	55-56
,, ,, Retrospective reduction of interest ...	159-161
Civil Courts Powers (Amendment) Bill ...	435
Widow Remarriage Bill ...	639

	Pages
Chidambaram Pillai, Mr. P. - *(contd.)*	
Supplementary Demand—Neendakara Customs House building ...	549-550
Welcome to Sir, C. P. ...	23-24
Cocoanut Root Disease Research—Demand for ...	575
D	
Damodaran Asan, Mr. A. S.	
Adjournment Motion—Election to the Legislature ...	936
Bills—	
Agriculturists Relief Bill—Final passing of ...	212
,, Third Reading of—Board's territorial jurisdiction of ...	41-44
,, Third reading of—Effect of non-disposal by within prescribed time...	83-85, 96
,, Third Reading of—Otti to be treated as hypothecation ...	201
,, Third Reading of—Retrospective reduction of interest ...	137-139
,, Third Reading of—Stay of Court Proceedings ...	98-99
Ancient Monuments Preservation Bill ...	253, 256, 261
Bar Council Bill ...	839, 840, 842, 843, 925, 926, 955-956
,, Second Grade Pleaders becoming First Grade ...	924
Co-operative Societies Bill—Government's power to revise Registrar's decisions ...	294
Income Tax Regulation Amendment Bill ...	491
Kammala Bill ...	759-763
Rubber Control Bill Replanting - Date re ...	231-232
,, Time limit for operation of ...	219-221
Public Accounts Committee—Debate on the creation of a P. W. D. Reserve Fund ...	594-595
Questions—	
Alleppey Port—Dredger for ...	604
Budget Demands for 1112 ...	114
Irrigation works ...	1060
Kist—Change of month ...	380

	Pages
Damodaran Asan, Mr. A. S.—(*contd.*)	
Questions—(*contd.*)	
Kuriathu Bund ...	939
Mavelikara Tahsildar-Magistrate's Court ...	454
Nooranad—Culverts in ...	242
" V. P. grant school at ...	792
Public Service—Recruitment to ...	600
Railway Accounts—Trivandrum-Shencotta Railway ...	65
Remission Rules ...	1041
Rural Libraries ...	946
School (Vernacular) grant-in-aid to ...	1058
Standardisation in the Education Department ...	67
Tazhakkara Pakuthi—Drainage in ...	872
Teachers—Graduates acting as ...	171
Resolutions	
Minor Irrigation Committee's recommendations ...	1033-1036, 1085-1087
Tobacco cultivation ...	1012-1015, 1027-1031
Supplementary Demand—	
Neendakara Customs House building and Leper Colony building ...	543-544
Public Service Examinations and staff ...	655-568
Supplementary Questions—	
Alleppey-Shertallai Canal—Maintenance of ...	704
Anchal Superintendent's Office ...	110
Anchal Test ...	108
Ayurveda—scholarship for study of ...	112
College of Arts and Science ...	533
Depressed classes—Lands for ...	618
Education Demand—Token cut under ...	390
Honorary Medical Officers ...	567
Interpellations ...	70
Medical Department—Levy of fees from out-patients ...	69
Rubber goods—Agency for sale of ...	690
Sugar Factory (Thuckalai) ...	700
Teachers in private vernacular schools ...	396
Tobacco cultivation in Travancore ...	177
Women's College ...	14

	Pages
E	
Easwara Pillai, Mr. A. (Kalkulam).	
Bills--	
Agriculturists Relief Bill—Final passing of ...	211
Bar Council Bill—Pleaders becoming advocate ...	920
Widow Remarriage Bill ...	640
Questions--	
Cattle pound in Friday market ...	794
Eraniel Valiakulam ...	714
Well near Eraniel-Rajakkamangalam road ...	1064
Resolution—	
A. S. Ps.—Abolition of ...	993
Supplementary Demand—	
State Manual staff ...	827
Supplementary Questions—	
Cattle farms ...	178
Colachel Factory ...	391
Official Receivers—Misappropriation by ...	385
Sugar Factory (Thuckalai) ...	701
Elankath, Mr. K. R.—	
Adjournment Motions—	
Election to the Legislature ...	929-930
Pallivasal Power House ...	964
Ramangalam—Police excesses at ...	854-855
Bills—	
Agriculturists Relief Bill—Third reading—Board's territorial jurisdiction ...	40-41
Co-operative Societies Bill—Audit fee ...	277-278
„ Limited or unlimited liability, to be decided by members ...	267
„ Registrar--Direction of re registration ...	271-272
„ Power of to supersede Managing Committee ...	282-283
„ Right of to summon ...	480
Kammala Bill ...	681-683
Trade Unions Bill---Registration of Unions ...	344-347
Widow Remarriage Bill ...	640-641, 980-981
Public Accounts Committee Report—Debate on the creation of a P. W. D. Reserve Fund ...	577-580

	Pages
Elenkath, Mr. K. R.—(*contd.*)	
Questions—	
Kesavapuram Market trace ...	1054
Salt imported in 1111 ...	1055
Resolutions –	
Magistrates from the Bar ...	1108-1109
Minor Irrigation Committee's recommendations .	1075-1076
Ponmudi being made summer quarters for Government ...	779-780
P. W. D. contracts ...	783
Talukwar revenue and expenditure ...	1098-1099
Supplementary Demands—	
Neendakara Customs House building ...	553
Police Rewards ...	806-807
Supplementary Questions—	
Anchal Test ...	109
Bus fares ...	624
Cattle pound in Friday Market ...	795
Colachel Factory ...	390
Depressed classes—Lands for ...	617
Depressed class students in colleges ...	877
D. P. I's Circular No. 1770 ...	707
Dispensaries (grant-in-aid) ...	597
Eraniel Valiakulam ...	714
Ganja cultivation ...	114
Irrigation Department ...	180
Irrigation in Vilavancode and Neyyattinkara ...	878, 879
Judicial Officers—Extensions to ...	713
Kallara-Aruvipuram trace ...	516
Kawdiyar-Mascot Hotel Road ...	8
Kottayam District Surgeon ...	799
Land Mortgage Bank ...	312
Medical Department—Levy of fees from out-patients ...	70
Muvattupuzha Excise Revenue ...	382
Pallivasal Power House ...	313
Police Department—Reform of the ...	4
Police officer—Dispensing with the services of a:	972
Ramangalam school ...	170
Road maintenance ...	456
Road from Peyard to Vellanad ...	308
Rubber Factory ...	970
Rubber goods ...	716
Settlement Memorandum ...	184
Shertallai—Health Unit at ...	1062
Smuggling in the North ...	1050
Sugar Factory (Thuckalai) ...	701

	Pages.
Elenkath, Mr. K. R.—(*contd.*)	
Supplementary Questions— (*contd.*)	
Teachers—Appointment of—from outside the waiting list ...	796
,, —Graduates acting as ...	316
Teachers in private vernacular schools ...	396
Teachers of vernacular schools—Posting of ...	174
Trivandrum Panchayat Court ...	696
Veluthedathu Nair ladies ...	792
Women's College ...	15
F	
Farewell Speeches.	1116-1129
G	
George, Mr. K.	
Bill—	
Income Tax Regulation Amendment Bill ...	494-497
Govinda Pillai, Mr. M.	
Bills—	
Co-operative Societies Bill—Audit fee ...	279
Co-operative Societies Bill - Financing Bank—Definition of ...	265
,, Loans to depositors ...	281
,, —Registrar's powers of to superseding Committee ...	284 287
H	
Haneef, Mr. Mahomed M.	
Questions—	
A. V. M. Canal ...	531
Beach road between Thengapattanam and Colachel ...	532
Compulsory primary education ...	318
Irrigation in Vilavancode and Neyyattinkara ...	578
Kuzhithura—Tengapattanam road ...	532
P. W. D. Supervisors ...	391
Settlement Memorandum ...	184
Hepzibah, Miss Gnanasikamony.	
Adjournment Motion—	
Election to the Legislature ..	933
Supplementary Demand—	
State Manual staff ...	825-826

J	Pages.
Janardana Kamath, Mr. M. K.	
Bills—	
Agriculturists Relief Bill—Final passing of ...	205
„ —Third Reading—Retrospective reduction of interest ...	136-137
Kammala Bill ...	763
Trade Unions Bill—Registration of Unions ...	358-359
Public Accounts Committee Report—Debate on the creation of a P. W. D. Reserve Fund ...	577
Janardana Pillai, Mr. M. L.	
Bills—	
Trade Unions Bills—Percentage of non-members on the exectuvie ...	373-375
„ —Privileges of members of unions ...	369-370
„ —Unions—Registration of ...	337-339
Workmen's Compensation Bill ...	442-443
Jayantan Nambootiri, Mr. T. S.	
Bills—	
Agriculturists Relief Bill Final passing of ...	205-207
Income Tax Regulation Amendment Bill ...	500
Supplementary Questions—	
Jenmikaram—case *re* ...	462
„ —Commutation rate of ...	463
„ —Recovery of dues ...	460
„ —Settlement of ...	460
K	
Karunakaran, Mr. K. C.	
Bills—	
Trade Unions Bill—Unions—Registration of ...	335-336
Kesavan Sastri, Mr. T. T.	
Bills—	
Kammala Bill ...	763-765
Widow Remarriage Bill ...	656-657
Questions—	
Depressed Classes' Protector—Applications for lands received by ...	975
„ —Recommendations of the ...	974
„ —Work done by ..	1052
Karikulam Reserve—Disafforestation of the ...	1054
Reading Rooms (grant-in-aid) ...	1053
Stud bulls— ...	1053

	Pages
Kesava Sastri, Mr, T. T. (*contd.*)	
Supplementary Questions –	
Depressed classes—Lands for ...	470-619
Mannankandam valley ...	613
Welcome to Sir C.P. ...	24-26
Krishnan Mr. K. M.	
Bills—	
Agriculturists Relief Bill...Final passing of ..	211
,, —Third Reading of—Boards—territorial jurisdiction ...	53
Widow Remarriage Bill ...	650
Questions –	
Alleppey—Water supply for ...	310
,, —Women and Children's Hospital for ...	522
Alleppey – Shertallai Canal – Maintenance of ...	703
Ambalapuzha—cart roads in ...	115
Ambalapuzha taluk—Revenue and expenditure in the ...	1042
Cattle census ...	387
Cattle farms ...	178
Cocoanut yield ...	528
Judicial Officers—Appointment of ...	380, 604
Munsifis—Appointment of ...	381
Munsiff's Court at Alleppey and Ambalapuzha —Jurisdiction of ...	233
Police Out-post at Mannacheri ...	610
School fees—Collection of ...	177
Secretariat Clerks (Ag.) ...	71
Shertallai Health Unit at ...	1061
Tandankulangara-Ariyad Munro Light Road ...	871
Veterinary Hospitals ...	705
Krishna Menon Mr. K. P.	
Questions—	
Buses ...	612
Cardamom lands—Registry of ...	940
Forest contractors—Realisation of interest from...	468
Hypoth ecations ...	717
Insolvents as Vakils ...	973
Interest rate —Legislation re ...	467
Paper Mills (Titaghur) ...	974
Rubber Factory ...	970
Rubber goods ...	715
Rubber—Agency for sale of ...	689
Tannipuzha ferry ...	611

Krishna Pillai, Mr. T.—(*contd.*) Pages.

Questions—(*contd.*)
Neyyattinkara—Minor irrigation in .. 603
Poovar bridge ... 242
Roads—Lapsing of allotments for ... 603
„ Maintenance of ... 455
Road from Peyad to Vellanad ... 307
Superannuated officers ... 697
Teachers of Vernacular Schools—Posting of ... 174
Trivandrum Court houses ... 243
Tuberculosis ... 513
Water to drink, for coastal pakuthies ... 697
Resolutions—
A. S. Ps.—Abolition of ... 989
Magistrates from the Bar ... 1107-1108, 1114-1115

Supplementary Questions—
Improvements Compensation Bill ... 467
Rubber goods—Agency for sale of ... 689
Touring of officers ... 518

Krishna Pillai, Mr. E. V.

Bills—
Agriculturists Relief Bill—Third Reading Retrospective reduction of interest ... 134-136
Co-operative Societies Bill—Registrar's discretion *re* registration ... 274-275
Question—
Tazhakkara pakuthi—Drainage in ... 873
Supplementary Questions—
Alleppey-Shertallai Canal—Maintenance of ... 703
Anti-Indian agitation in Ceylon ... 724
D. P. I's circular No. 1770 ... 707
Ganja cultivation ... 114
Pallivasal Scheme ... 691
Petrol—Importation of ... 320
Police and Excise Inspectors and Sub-Registrars ... 718
Rubber goods ... 715
Sugar Factory (Thuckalai) ... 700
Trivandrum Panchayat Court ... 696
Veterinary Hospitals ... 706

	Pages.
Kumara Das, Mr. C	
Resolution—	
Trade Agents in Europe ...	1093-1094
Kunjan Pillai, Rao Bahadur Rajyasevaniratha Dr. N.	
Adjournment Motion—	
Elections to the Legislature ..	933-936, 938
Bill—	
Rubber Control Bill—Time-limit for operation of ...	225
Resolutions --	
Malayalees in Ceylon ..	1106-1107
Tobacco cultivation ...	1023-1027
Supplementary Demands—	
Alleppey Port—Dredger at ...	574
Ayurveda College and Pharmacy—Rent for .	828
Neendakara Customs House buildings ...	543, 554-556
Palace Manuscripts—Catalogue of ...	831
Police rewards ...	815-816
Public Service Examinations and staff ...	557-559, 569-574
Regulations and Proclamations—Supplemental volumes of ...	832
State Manual staff ...	821-825
Kunjukrishna Pillai, Mr. K.	
Adjournment Motion—	
Ramangalam—Police excesses at	855-857
Bills—	
Agriculturists Relief Bill—Third Reading—Boards—Effect of non-disposal by within prescribed time ...	83, 87-88
,, —Third Reading—Retrospective reduction of interest ...	139-144
Bar Council Bill ...	837-839 958, 961
,, —Pleaders becoming advocates ...	889-894
Co-operative Societies Bill—Audit fee ...	278
,, —Government's power to revise Registrar's decisions ...	293-294
,, —Limited or unlimited liability to be decided by members ..	268-270
,, —Registrar—Discretion *re* Registration ...	275
,, —Powers of to supercede Managing Committee ...	287-289

Kunjukrishna Pillai, Mr. K.—(*contd.*)

	Pages.
Bills—(*contd.*)	
Income Tax Regulation Amendment Bill ...	487-489
Kammala Bill ...	751-754
Trade Unions Bill—Appeal over Registrar's order, to be with the High Court...	303-305
,, —Percentage of non-members on the executive ...	413-415
,, —Plantation Labour ...	298-299
,, —Unions—Definition of ...	301
,, — ,, —Privileges of members of ...	371
,, ,, —Registration of ...	305-306, 325-326, 327-331, 364-365
,, — ,, Scope of ...	367-368
Widow Remarriage Bill ...	638-639, 981-982
Workmen's Compensation Bill ...	445-446
Public Accounts Committee Report—Debate on the creation of a P. W. D. Reserve Fund ...	591-593
Resolutions—	
Malayalees in Ceylon ...	1105-1106, 1107
Minor Irrigation Committee's recommendations ...	1037
Taluk-war revenue and expenditure ...	1099-1101
Tobacco cultivation ...	1015-1016
Supplementary Demands—	
Neendakara Customs House building and Leper Colony buildings ...	544-546
Police rewards ...	810-811
State Manual staff ...	826-827
Anchal Test ...	109
Supplementary Questions—	
Anti-Indian agitation in Ceylon ...	724
Budget Demands for 1112 ...	115
Bulls (Scindhi)—Importation of ...	599
Forest Department—Supply of cloths to ..	692
Kallara-Aruvipuram trace ...	515
Settlement Memorandum ...	184
Women's College ...	14

	Pages
Kunjuraman, Mr. E. K.	
Questions—	
Anchal volunteers ...	112
Konni Mahilamani Vaidyasala ...	68
Kozhithodu Canal encroachments ...	455
Mezhuveli school—Sewing Mistress for ...	967
Nakkalikal Canal—Bridge across ...	68
Pantalam-Arumula Road ...	242
Pantalam-Vadakkekara—Irrigation canal in ...	694
Kuriakose, Mr. K C,—	
Adjournment Motion—	
Ramangalam—Police excesses at ...	844-852
Bills—	
Agriculturists Relief Bill—Third Reading—Boards—Effect of non-disposal by within prescribed time ...	92-93
,, —Third Reading—Otti to be treated as hypothecation ...	200-201
Income Tax Regulation Amendment Bill ...	487
Kammala Bill ...	674-675
Medical Registration Bill .	448-449
Rubber Control Bill—Cultivation of rubber ...	250-251
,, —Replanting ..	228-230
Trade Unions Bill—Percentage of non-members on the executive ...	412-413
Public Accounts Committee Report—Debate on the creation of a P. W. D. Reserve Fund ...	581-582
Questions.—	
Improvements Compensation Bill ...	467
Irrigation Department ...	179
Jenmikaram cases ...	461
Kudivila of teak trees ...	1043
Maneed V. P. School ...	874
Mazhuvanoor primary school ...	511
Muvattupuzha - Excise Revenue ...	381
,, — Dispensary for ...	553
Parur District Court ...	463
Ramangalam school ...	169
Veluthedathu Nair ladies ...	791
Resolutions—	
A. S. Ps.—Abolition of ...	1006-1008
Minor Irrigation Committee's recommendations ...	1070-1071

	Pages
Kuriakose, Mr. K. C.—(*contd.*)	
Bills—(*contd.*)	
Ponmudi being made summer quarters for Government ...	777-778
Taluk-war revenue and expenditure ...	1097-1098
Supplementary Demand—	
Public Service Examinations and staff ...	562-563
Supplementary Questions—	
Bus fares ...	624
D. P. I's. Circular No. 1770 ...	707
Mannankandam valley ...	613
Medical Department—Levy of fees from out-patients ...	69
Taluk-war statement of revenue and expenditure ...	1042
Tobacco cultivation in Travancore ...	177
Kuriyan, Mr. P. C.	
Adjournment Motions—	
Election to the Legislature ...	931
Ramangalam—Police excesses at ...	868-869
Bills—	
Agriculturists Relief Bill—Final passing of ...	210-211
,, —Third Reading—Retrospective reduction of interest ...	155
Civil Courts Powers (Amendment) Bill ...	433
Co-operative Societies Bill—Registrar's powers to supercede managing committees ...	289
Income Tax Regulation Amendment Bill ...	500-501
Kanmala Bill ...	737
Trade Unions Bill—Registration of Unions ...	359-360
Public Accounts Committee Report—Debate on the creation of a P. W. D. Reserve Fund ...	586-587
Questions—	
Canal connecting Mavelli Thodu and Minachil River ...	882
Dentist ...	881
Fee concessions in colleges ...	946
Hospitals—non-official visitors of ...	798
Hospital - Pay wards in the ...	880
Kottayam—Hospital ...	943

Kuriyan, Mr. P. C.—(*contd.*)	Pages.
Kottayam—Municipality ...	881-1047
,, ,, —Elected President for ...	945
,, ,, —Official President for ...	882
,, —Nagampadam Bridge ...	1047, 1064
,, —Water supply scheme for ...	945
,, —Women and Children Hospital for ...	944
Lorry owners' grievances ...	1066
Medical officers in Municipalities ...	881
Municipal Councillors (nominated) ...	882
Ophthalmic hospitals ...	799
Patients—Treatment of ...	799
Police Officer ...	972
,, —Dispensing with the services of one ...	971
,, —The unfit among the ...	972
Road dust ...	946
S. I. R. Advisory Board ...	1048
V. P. Court nominations ...	973
Water Supply schemes ...	1063
Resolutions.—	
A. S. Ps.—Abolition of ...	994-995
Taluk-war revenue and expenditure ...	1101
Supplementary Demand.—	
Neendakara Customs House building ...	554
Supplementaty Questions.—	
Alleppey-Shertallai Canal—Maintenance of ...	705
Cocoanut—market for ...	711
Depressed class students in colleges ...	877
Doctors (Government)—Remuneration to ...	799
Pallivasal Power House ...	314
Rubber goods ...	716
Welcome to Sir C. P. ...	20-21
M	
Madhavan, Mr. C. O.	
Adjournment Motion.—	
Ramangalam—Police excesses at ...	857-860
Resolutions.—	
P. W. D. contracts ...	789
Tobacco cultivation ...	1016-1020

	Pages
Kuriakose, Mr. K. C.—(*contd.*)	
Bills—(*contd.*)	
Ponmudi being made summer quarters for Government ...	777-778
Taluk-war revenue and expenditure ...	1097-1098
Supplementary Demand—	
Public Service Examinations and staff ...	562-563
Supplementary Questions—	
Bus fares ...	624
D. P. I's. Circular No. 1770 ...	707
Mannankandam valley ...	613
Medical Department—Levy of fees from out-patients ...	69
Taluk-war statement of revenue and expenditure ...	1042
Tobacco cultivation in Travancore ...	177
Kuriyan, Mr. P. C.	
Adjournment Motions—	
Election to the Legislature ...	931
Ramangalam—Police excesses at ...	868-869
Bills—	
Agriculturists Relief Bill—Final passing of ...	210-211
,, —Third Reading—Retrospective reduction of interest ...	155
Civil Courts Powers (Amendment) Bill ...	433
Co-operative Societies Bill—Registrar's powers to supercede managing committees ...	289
Income Tax Regulation Amendment Bill ...	500-501
Kammala Bill ...	737
Trade Unions Bill—Registration of Unions ...	359-360
Public Accounts Committee Report—Debate on the creation of a P. W. D. Reserve Fund ...	586-587
Questions—	
Canal connecting Mavelli Thodu and Minachil River ...	882
Dentist ...	881
Fee concessions in colleges ...	946
Hospitals—non-official visitors of ...	798
Hospital - Pay wards in the ...	880
Kottayam—Hospital ...	943

Kuriyan, Mr. P. C.—(contd.)	Pages.
Kottayam—Municipality ...	881-1047
" " —Elected President for ...	945
" " —Official President for ...	882
" —Nagampadam Bridge ..	1047, 1064
" —Water supply scheme for ...	945
" —Women and Children Hospital for ...	944
Lorry owners' grievances ...	1066
Medical officers in Municipalities ...	881
Municipal Councillors (nominated) ...	882
Ophthalmic hospitals ...	799
Patients—Treatment of ...	799
Police Officer ...	972
" —Dispensing with the services of one ...	971
" —The unfit among the ...	972
Road dust ...	946
S. I. R. Advisory Board ...	1048
V. P. Court nominations ...	973
Water Supply schemes ...	1063
Resolutions.—	
A. S. Ps.—Abolition of ...	994-995
Taluk-war revenue and expenditure ...	1101
Supplementary Demand.—	
Neendakara Customs House building ...	554
Supplementaty Questions.—	
Alleppey-Shertallai Canal—Maintenance of ...	705
Cocoanut—market for ...	711
Depressed class students in colleges ...	877
Doctors (Government)—Remuneration to ...	799
Pallivasal Power House ...	314
Rubber goods ...	716
Welcome to Sir C. P. ...	20-21

M

Madhavan, Mr. C. O.	
Adjournment Motion.—	
Ramangalam—Police excesses at ...	857-860
Resolutions.—	
P. W. D. contracts ...	789
Tobacco cultivation ...	1016-1020

Madhavan, Mr. C. O.—(*contd.*)	Pages
Supplementary Demands.—	
Edava Railway Station Chowkey ...	
Neendakara Customs House buildings ...	540-542
Madhava Kurup, Mr. K.	
Resolutions.—	
Minor Irrigation Committee's recommendations ...	1078-1085
Mahomed, Mr. K.	
Supplementary Question.—	
Secretariat clerks (Ag.) ...	72
Mahomed, Mr. P. S.	
Bills.—	
Trade Unions Bill—Appeal over Registrar's order, to lie with the High Court ...	303
,, —Percentage of non-members on the executive ...	375-376, 410-412
,, —Plantation labour ...	296-298
,, —Unions—Definition of ...	299-300
,, —Registration of ...	351-356
Workmen's Compensation Bill ...	443-445
N	
Nair, Mr. S. J.	
Bills.—	
Agriculturists Relief Bill—Final passing of ...	203-205
,, —Third Reading of Boards—Effect of undisposal by within prescribed time ...	89
,, Territorial jurisdiction of ...	44-45
,, Retrospective reduction of interest ...	132-134
Bar Council Bill ...	
,, —Pleaders becoming advocates ...	897-906

Nair, Mr. S. J.- (contd.)	Pages
Bills—(contd.)	
Civil Courts Powers (Amendment) Bill ...	432-432
Co-operative Societies Bill—Government's powers to revise Registrar's decisions ...	294
,, Registrar—Discretion of re-registration ...	276
,, ,, —Powers of to supercede Managing Committees ...	291-292
Forest Regulation Amendment Bill ...	447
Income Tax Regulation Amendment Bill ..	481
Kammala Bill ...	675-676
Medical Registration Bill ...	449-450
Prisoners Identification Bill ...	437
Rubber Control Bill—Cultivation of rubber ...	234-235, 250
,, Dropping of ...	214-217
,, Time limit for operation of ...	217-218, 227
Trade Unions Bill—Appeal over Registrar's order, to be with the High Court ...	205
,, Unions—Definition of ...	300
,, ,, —Registration of ...	347-349
Widow Remarriage Bill ...	635-638, 978 979, 980, 982, 983, 984, 985
Farewell speech ...	1124-1126
Public Accounts Committee Report—Debate on the creation of a P. W. D. Reserve Fund ...	588-590
Questions—	
Accidents on the road ...	622
Anchal Office at Pallikkal ...	386
Aruvikara-Vellanadu Road ...	63
Attingal Municipality ...	385
Chittar Road ...	112
Communal rotation in public service ...	599
Curator's office ...	8
Election ...	385
Electoral Rolls ...	968
Health Certificate ...	598
Huzur and Account Offices—clerks who graduated in 1108, 1109 and 1110 ...	637
Kallara Aruvipuram trace ...	458, 514-515
Kallara market ...	692
Karapoor trace ...	172, 378
Kawdiyar-Mascot Hotel road ...	7
L. M. Bank ...	311

Nair, Mr. S. J.—(*contd.*)	Pages
Questions—(*contd.*)	
Land Revenue Department—Inferior servants of the ...	4
Magistrate Court copyists ...	241-1043
Marketting Officers ...	524
Museum-Fort Road ...	880
Nallanadu Pakuthi chira ...	105
Nedumangad—Flood damages in ...	453
" —Magistrate Court at ...	6
" —Minor irrigation in ...	5, 60
" —Roads in—incomplete zones ...	101
" — " —maintenance of ...	104, 693
" — " —new ones ...	63
" —Section Officer at ...	941
" —Temporary Munsiff at ...	601
" —Toll-gates in ...	62
Nedumangad-Vembayam Road ...	103
Official Receivers—Misappropriation by ...	383
Pallikkal-Velinalloor trace ...	876
Pezhumood-Kolupura trace ...	522
Plumbago ...	10
Pokkuvaravu forms ...	456
Police Department—Reform of the ...	2
Promotions from inferior to superior service ...	238
P. W. D. service—Extension of ...	59
Revenue Department—Copyists ...	606
" —Tests in the ...	622
Sarkara-Althramoodu Road ...	702
Timber sales ...	237
Traffic—checking stations ...	622
Trivandrum—Electric supply ...	476
" —Townplanning ...	1059
" —Water and house tax ...	12
" —Water supply ...	727
Vazhamelikkal Pakuthi Cutcheri ...	969
" - Culvert near ...	695
Valliyarappancodu Estate Road ...	9
Vamanapuram—Camp shed at ...	457
" —Police out-post at ...	377
Village road from Edava Pakuthi Cutcheri to Kappil Railway Station ...	607
Voters' lists ...	457
Resolutions—	
A. S. Ps.—Abolition of ...	987
Magistrates from the Bar ...	1108-1109

	Pages
Nair, Mr. S. J.—(*contd.*)	
Resolutions—(*contd.*)	
Minor Irrigation Committee's recommendations ...	1070
Ponmudi being made summer quarters of Government ...	773-776, 780-781
P. W. D. contracts ...	781-782, 789
Taluk-war revenue and expenditure ...	1096-1097
Trade Agent in Europe ...	1089-1092, 1094
Supplementary Demands—	
Neendakara Customs House building and Leper Colony building ...	549
Police Rewards ...	816-818
Public Service Examinations and staff ...	561-562
Supplementary Questions—	
Alleppey-Shertallai Canal—Maintenance of ...	704
Bus fares ...	623
Chirayinkil irrigation tanks ...	610
Cocoanut products - Price of ...	528
Depressed classes—Lands for ...	618
D. P. I. (Ag.) ...	
Irrigation Department ...	180
Kollempuzha-Mananaku trace ...	621
Medical Department—Levy of fees from out-patients ...	69
Neyyattinkara—Minor irrigation in ...	603
Public Service - Recruitment to ...	600
Railway Accounts—Trivandrum-Shencotta Railway ...	66
Road from Peyaud to Vellanad ...	308
Rubber goods Agency for sale of ...	689
School and college fees ...	471
Standardisation in the Education Department ..	67
Sugar Factory (Thuckalai) ...	701
Teachers in private schools ...	317
Narayana Aiyar, Mr. K. R.	
Supplementary Demand—	
Cocoanut palm root disease research ...	575
Narayana Bhattatiri, Mr. P. C.	
Bill—	
Widow Remarriage Bill ...	648-640
Supplementary Question—	
Jenmikaram cases ...	462

	Pages.
Narayana Pillai, Mr. K. A.	
Bill—	
Income Tax Regulation Amendment Bill ...	492-492
Questions—	
Cardamom lands ...	469
Chief Engineer ...	616
Depressed classes—Lands for ...	469
D. P. I. (Ag.) ...	615
Dispensaries (grant-in-aid) ...	597
Government Press—Appointments in the ...	1051
,, —Piecework—Schedule of ...	1050
,, — ,, —Tickets of ...	1052
Hydro-Electric Works ...	533
Pallivasal Scheme—Expenditure on ..	314
,, —Power House ...	312
Tax-arrears—Land sales for ...	469
Teachers—Appointment of from outside the waiting list ...	796
,, —Graduates (Ag.) ...	391
,, —Confirmation of ...	720
,, —Recruitment of ...	392
Todupuzha Muslim V. P. School ...	319
Todupuzha-Kanjiramattam Road—Foot Bridge on ...	1046
Resolution—	
Taluk-war revenue and expenditure ...	1094, 1095, 1105
Narayana Pillai, Mr. Pacode A.	
Bills—	
Agriculturists Relief Bill—Final passing of ...	211-212
,, —Third Reading—Boards—Effect of non-disposal by within prescribed time ...	93-94
,, —Retrospective reduction of interest ...	156-159
Civil Courts Powers (Amendment) Bill ...	433-435
Kammala Bill ...	767
Rubber Control Bill—Time-limit for operation of ...	223, 224
Farewell speech ...	1123-1124
Public Accounts Committee Report—Debate on the creation of a P. W. D. Reserve Fund ...	584-585
Resolutions—	
Minor Irrigation Committee's recommendations...	1037-1039
P. W. D. contracts ...	783

	Pages.
Narayana Pillai, Mr. Pacode A.—(*contd.*)	
Supplementary Demand—	
Neendakara Customs House building and Leper Colony building ...	551-552
Supplementary Questions—	
A. V. M. canal ...	531
Bus fares ...	623
Coconut products—Price of ...	528
Depressed classes—Lands for ...	618
D. P. I.'s Circular No. 1770 ...	707
Hypothecations ...	717
Irrigation—in Vilavancode and Neyyattinkara ...	878
„ Works ...	1061
Kowdiyar-Mascott Hotel Road ...	8
Medical Department—Levy of fees from out-patients ...	70
Petrol--Importation of ...	320
Remission of tax in Nanjinad ...	615
Settlement Memorandum ...	184
Smuggling in the North ...	1050
Sugar Factory (Thuckalai) ...	700
Welcome to Sir C. P. ...	26-27
Narayani Amma Srimati, T.	
Bills—	
Kammala Bill	767
Medical Registration Bill ...	450-451
Widow Remarriage Bill ...	634-635, 657-658, 978-985
Farewell speech ...	1127
Welcome to Sir C. P. ...	24
Nilakantan Mr. O.	
Bills—	
Kammala Bill ...	658-664, 769-771
Trade Union Bill—Registration of Unions ...	359
Farewell speech ...	1128-1129
Questions—	
Artisans' wages ...	879
A. V. M. canal ...	946
Colachel Factory ...	390
Depressed class students in colleges ...	877
Kunnukuzhi water pipes ...	1049
M. C. Road ...	1049
Nagercoil Distillery ...	530

	Pages.
Nilakantan, Mr. G.—(*contd.*)	
Questions—(*contd.*)	
Police and Excise Inspectors and Sub-Registrars ...	717
Salt—Manufacture of ...	529
„ —Transport of ...	1048
Smuggling in the north ...	1049
Toddy sales ...	318
Resolutions—	
A. S. P's—Abolition of ...	987-988
Minor Irrigation Committee's recommendations...	1077-1078
Supplementary Demand—	
Neendakara Customs House Building ...	554
Welcome to Sir C. P. ...	24
Nilakanta Pillai, Mr. S.	
Bills—	
Income Tax Regulation Amendment Bill ...	499-500
Kammala Bill ...	746-747
Trade Unions Bill—Registration of Unions ...	363-364
Public Accounts Committee—Debate on the creation of a P. W. D. Reserve Fund ...	593-594
Questions—	
Chirayinkil -Irrigation tanks in ...	621, 797
College admissions ...	471
Execution of decrees ...	727
Kollempuzha-Mananaku trace ...	619
Mamam River ...	175
Pallikkal trace ...	241
School buildings ...	534
Small Cause suits in Munsiff's Courts ...	726
Tax-arrears—Sales for ...	394
Teachers in private vernacular schools ...	395
Resolution—	
Minor Irigation Committee's recommendations...	1036-1037

P

Padmanabhan Mr. K.	
Bills—	
Agricultural Relief Bill—Third Reading—Board's territorial jurisdiction ...	52-53
Co-operative Societies Bill—Registrar's discretion re registration ...	276
Income Tax Regulation Amendemnt Bill ...	490-491
Kammala Bill ...	680-681

	Pages.
Padmanabhan Mr. K —(*Contd.*)	
Bills—(*contd.*)	
Widow Remarriage Bill ...	646
Public Accounts Committee Report—Debate on the creation of a P. W. D. Reserve Fund ...	585-586
Questions—	
Agricultural Board ...	529
Ayiroor-Nadayara Road ..	711
Chirayinkil Irrigation tanks ...	609
Cocoanut—market for ...	709
do. price of products of the ...	527
Marketting officers ...	524
Mutiravila-Kallar trace ...	610
Nilakkamukku-Kaikara road ...	358
Police cases—prosecution of ..	466
Tank conversion ..	875
Supplementary questions—	
Accidents on the road ...	623
Ayurveda—scholarship for study of ...	111
Chirayinkil—Irrigation tanks in ...	621
Medical Department—Levy of fees from out-patients ...	69
Police Department—Reform of the ...	3
Tax arrears—sales for ...	395
Teachers—Graduates acting as ...	316
Water to drink, for coastal pakuthies ...	697
Welcome to Sir C. P. ...	18-20
Padmanabha Menon, Mr. Edavanatt S.	
Adjournment motion—	
Election to the Legislature ...	982-983
Bills—	
Kammala Bill ...	676-678
Trade Unions Bill	
" Registration of Unions ...	350
Questions—	
Alleppey-Aroor road—maintenance of ...	1044
Judicial Officers—extensions to ...	713
Kadakkarappally-Thankey Church Road ...	794
Kuttiyatodu Bridge ...	609
Police Station at Kuttiyatodu ...	708, 709
Pattanakad cross canal ...	1043
Shertallai-Arukutty, and Shertallai-Tanneermukkom roads ...	609
Shertallai—Hospital ...	526
" Improvement of canals in ...	1044
" Markets at ...	607
" Town lighting ...	709
" Valans of—prawn catching by the ...	1056

	Pages
Padmanabha Menon, Mr. Edavanatt S.—(*contd.*)	
Questions—(*contd.*)	
Thuravoor-Tirumala Devaswom road ...	609
Valan voters ...	947
Resolution—	
Minor Irrigation Committee's recommendations ..	1077
Supplementary Demand—	
Public Service Examinations and staff ...	564-566
Supplementary Questions—	
Alleppey-Shertallai canal—maintenance of ...	704
Pallivasal Power House ...	314
Rubber goods—agency for sale of ...	690
Shertallai—Health Unit at ...	1061
Sugar Factory (Tuckalai) ...	701
Padmanabha Pillai, Mr. Kainikara M.	
Questions—	
Changanacherry—shed at Boat Jetty ...	705
Education Demand—Token cut under ...	389
Schools—Incomplete primary schools ...	874
,, newly started schools ...	388
Teachers in private schools ...	316
Paramesvara Aiyar, Rao Sahib Mahakavi S.	
Bills—	
Agricultural Relief Bill—Third Reading—Board's territorial jurisdiction ...	52
Civil Courts Powers (Amendment) Bill ...	434
Kammala Bill ...	758-759
Widow Remarriage Bill ...	645
Farewell speech ...	1127-1128
Resolution—	
Ponmudi being made summer quarters for Government ...	797
Supplementary Demand—	
Neendakara customs house building ...	551
Police rewards ...	814-815
Supplementary questions—	
Colleges of Arts and Science ...	533
D. P. I's circular No. 1770 ..	707
Petrol—Importation of ...	320
Remission of tax in Nanjinad ...	614
Welcome to Sir C. P. ...	20

	Pages
Paramesvaran Pillai, Mr. Changanacheri K.	
Bills—	
Agricultural Relief Bill—Third Reading—Retrospective reduction of interest ...	145-150, 190-191
Income Tax Regulation amendment Bill ...	493-494
Rubber control Bill—Time limit for operation of ...	226
Trade Unions Bill	
Registration of Unions ...	360-361
Widow Remarriage Bill ...	641
Supplementary questions—	
Anti-Indian agitation in Ceylon ...	724
Cocoanut products—price of ...	528
Depressed classes—Lands for ...	618
Paramesvaran Pillai, Mr. Kayalam.	
Bills—	
Agricultural Relief Bill—Final passing of ...	201, 213
,, Third Reading of—Boards—effect of non-disposal by within prescribed time.	81-82, 83, 95-96
,, Territorial jurisdiction of ...	29-36, 56-58, 74-78
,, Otti to be treated as hypothecation ...	194-195
,, Retrospective reduction of interest ...	122-130, 166, 167, 188-192
,, Stay of court proceedings ...	97-99
Ancient Monuments Preservation Bill ...	252, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263
Bar Council Bill ...	438-440, 839-840, 841, 842, 843, 887, 955-962
Pleaders becoming advocates ...	906-912
Second Grade pleaders becoming First Grade...	924-925
Civil Court Powers (Amendment) Bill ...	425-426, 433-434, 436
Co-operative Bill—	
Government's power to revise Registrar's decision ...	293, 295
Limited or unlimited liability to be decided by members ...	270

	Pages.
Paramesvaran Pillai, Mr. Kayalam—(*contd.*)	
Bills—(*contd.*)	
Co-operative Bill—(*contd.*)	
Registrar's discretion *re* registration ...	272-273, 274
Forest Regulation (Amendment) Bill ...	447-448, 835
Income Tax Regulation Amendment Bill ...	479-481, 502 833, 834
Kammala Bill ...	678
Life Insurance Companies Bill ...	421-422, 423-424
Medical Registration Bill ...	451
Prisoners' Identification Bill ...	436-437, 437-438 835-837
Rubber control Bill—cultivation of rubber ...	235, 250
,, replanting date ...	230
,, time limit for operation of ...	222-224
Trade Unions Bill—percentage of non-members on the executive ...	416-417
,, privileges of members of ...	372
,, registration of ...	333-335
,, scope of ...	368
Widow Remarriage Bill ...	654-656, 983-984, 985
Workmen's Compensation Bill ...	440-442, 446
Resolution—	
Magistrates from the Bar ...	1109-1113
Pitchu Aiyangar, Mr. R.	
Adjournment motion—	
Ramangalam—Police excess at ...	860-864
Resolution—	
A. S. Ps—Abolition of ...	995-1102
Supplementary Demand—	
Police rewards ...	805-806, 818-821
President—	
Adjournment motion—	
Pallivasal Power House ...	964-966
Bill—	
Bar Council's Bill—pleaders becoming advocates...	889, 890, 891 895, 896, 898 899, 904

	Pages.
President—(*contd.*)	
Supplementary Demand—	
Neendakara Customs House buildings ...	543
Points of order—	
Religious beliefs—reflections upon ...	21
Whether, at the third reading of a Bill an amendment can be moved which will have the effect of nullifying the decisions of the House at the Second reading ..	30
Public Accounts Committee Report—Debate on ...	575-596
Q.	
Questions and Answers—	
Accidents on the road ...	622
Agriculture—Board of— ...	529
,, Fragmentation of holdings ...	379
Air mail ...	454
Alleppey-- Dredger for Port— ...	604
,, Water supply for ...	310
,, W. & C. Hospital for ...	522
Ambalapuzha taluk—Revenue and expenditure in the ...	1042
Anchal—caste statement of officers ...	464
,, departmental test ...	106
,, Kanakappalam Anchal Master ...	1046
,, ,, office ...	1056
,, non-departmental offices ...	386
,, Pallikal Anchal Office ...	386
,, Superintendent's office ...	110
,, Volunteers ...	112
Animal husbandry Research ...	712
Anti-Indian agitation in Ceylon ...	723
Artisans' wages ...	879
Attingal Municipality ...	385
Ayurveda—deputation of Mr. Dwarakanath Aiyangar for higher studies in ...	240
,, scholarship for study of ...	111
Bridges—over A. V. M. canal ...	532
,, Kollakadavu bridge ...	309
,, Kozhencherry bridge ...	64
,, Kuttiyatodu bridge ...	609
,, in Mavelikara—Trikkunnapuzha road ...	721

	Pages.
Questions and Answers—(*contd.*)	
Bridges—(*contd.*)	
—over Nagampadam Bridge at Kottayam ...	1047, 1064
„ across Nakalikal canal ...	68
„ over the Neyyar at Mandapattumkadavu ...	617
„ Poovankadavu bridge ...	872
„ at Poovar ...	242
„ Foot bridge on Todupuzha—Kanjiramattom road ...	1046
Budget Demands for 1112 ...	114
Bulls (Scindhi)—importation of ...	698
„ (stud)—grants for ...	1053
Buses ...	612
Bus fares—service—classification of roads for ...	182
„ „ in Quilon—Alleppey road ...	518, 719, 1062
Canals—Alleppey-Shertalai canal—maintenance of ...	703
„ A. V. M. canal ...	531, 946
„ Kozhithodu canal encroachment ...	455
„ connecting Mavelil thodu and Minachil river ...	582
„ Pattanakkad cross canal ..	1043
„ Improvements of in Shertallai ...	1045
Cardamoms—Cardamom lands ...	469
„ „ registry of ...	940
„ Roads in the cardamom area ...	718
Cattle— Census ...	387
„ farms ...	178
„ pound in Friday market ..	794
Central Prison receipts ...	459
Changanacherry—shed at Barat Jetty	706
Chief Engineer ...	616
Chengannur dispensary ...	520, 521
Chirayinkil irrigation tanks in ...	609, 621, 797
Cocoanuts—export of ...	318
„ market for ...	709
„ price of products ...	527
„ Railway freight on ...	1045
„ yield ...	528
Colachel factory ...	390
Colleges—Admissions to ...	471
„ of Arts and Science ...	533, 471
Communal rotation in public service ..	599

Questions and Answers—(*contd.*)

	Pages.
Copyists in Magistrate courts ...	241
Culverts near Uzhamalakal Pakuthi Cutcherri ...	695
Curator's office ..	8
Dentists ...	881
Depressed classes—land for ...	469, 617, 967
,, Protector—Application received by, for lands ...	975
,, recommendations of the ...	974
,, work done by the ...	1052
,, Students in Colleges ...	877
D. P. I. –Ag. D. P. I. ...	615
,, His circular No. 1770 ...	706
,, His order to Inspectress ...	464
Education—compulsory primary education ...	318
,, demand for—Token cut under ..	389
Elections ...	385
Electoral Rolls ...	968
Eraniel Valikulam ...	714
Excise—Inspectors ...	717
,, ,, —Punishment of ...	112
,, Revenue of the Chiefs ...	971
Execution of decrees ...	727
Fee concessions—in Colleges ...	946
,, to Muslims ...	173, 946
Forest—realisation of interest from contractors...	468
,, supply of cloth to the department ...	691
Franchise ...	182
Fridays—posting of cases on ...	793
Ganja—cultivation of ...	112
,, Import of ...	113, 114
Goat breeding ...	520
Government Pres—Appointments in the ...	1051
,, Piece-work schedule ...	1050
,, ,, tickets ...	1052
Health certificate ...	598
High Court Ruling in 18 T. L. J 3 ...	702
Huzur and Account Offices—clerks who graduated in 1108, 1109 and 1110 ...	687
Hydro-electric works ...	533
Hypothecations ...	717
Improvements Compensation Bill ...	467
Insolvents as Vakils ...	973
Interest rate legislation re: ...	467
Interpellations ...	70

Questions and Answers—(*contd.*)

	Pages.
Irrigation—department of ...	179
,, in Vilavankode and Neyyattinkara ...	878
,, works of ...	1060
Jenmikaram—cases *re* : ...	461
,, commutation rate of ...	463
,, recovery of ...	460
,, settlement of ...	460
Judicial Officers—appointment of ...	380, 604
,, extension to ...	713
Kallara market ...	692
Karikulam reserve—disafforestation of the ...	1054
K. D. H. P. Company ...	612
Kist—change of month ...	380
Koni Masilamani Vaidyasala ...	68
Koran in Law Courts ...	698
Kottapuram—well for ...	619
Kottayam —District Surgeon at ...	798
,, Hospital at—paywards in the ...	943
,, Municipality ...	881, 1047
,, ,, Elected President for ...	945
,, ,, Official President for ...	882
,, Water supply scheme for ...	945
,, W. and C. Hospital for ...	944
Kudivila ...	1043
Kunnukuzhi water pipes ...	1049
Kuriathu bund ...	939
Land acquisition in Thirupuram pakuthi ...	465
Land Colonisation scheme ...	873
L. M. Bank ...	311
L. R. Department—inferior servants of the ...	4
Law College—Elective lectures in the ...	968
Lorry owners' grievances ...	1063
Magistrate Court Copyists ...	1043
Mamam river ...	175
Mannankandam valley ...	613
Maneed V. P. School ...	874
Marketting Officers ...	524, 526
Medicine—Department of levy of fees by, from out-patients ...	69
,, Fort Hospital ...	513
,, Government Doctors—remuneration to ...	799
,, Grant-in-aid dispensaries ...	597
,, Honorary Medical Officers ...	516

Questions and Answers. —(contd.)

	Pages
Medicine - Hospitals—non-official visitors of the ...	
,, pay wards in the ...	880
,, Municipal Medical Officers ...	881
,, Opthalmic Hospitals ...	799
,, patients—treatment of ...	799
,, Rural medical relief ...	518
Mavelikara Tahsildar-Magistrate's Court ...	454
Mazhuvannur primary schools ...	511
Mezhuveli school - Sewing Mistress for ...	967
Muvattupuzha—dispensary for ...	533
,, excise revenue ...	381
Municipalities—appointments in the ...	721
,, nominated councillors ...	882
Munsiffs—appointment of ...	381
Munsiffs and 2nd Judges pay of ...	65
Munsiff's courts at Alleppey and Ambalapuzha jurisdiction of ...	238
,, original suits pending in the ...	797
Muslims—grants to their Association ...	792
,, G. O. of 1919 on iheir education ...	465
,, Lady graduate teachers ...	181
Nadars in service ...	719
Nagercoil Distillery ...	530
Nallanadu pakuthi chira ...	105
Nedumangad—flood damages in the ...	453
,, Magistrates court at ...	6
,, Minor irrigation in ...	5, 60
,, P. W. Section Officer at ...	941
,, Roads in—incomplete ones ...	101
,, ,, maintenance of ...	104
,, ,, new roads ...	67
,, Temporary Munsiff ...	601
,, Toll-gates in ...	62
Neyyattinkara—electricity for ...	239
,, Irrigation canals in ...	725
,, Minor Irrigation in ...	603
Noornad—culverts in ...	242
,, V. P. grant school at ...	792
Officers—punishment of ...	726
,, superannuated officers ...	697
Official receivers—Misappropriation by ...	383
Pallivasal Scheme— ...	691
,, expenditure on ...	312
,, Power House ...	314

Questions and Answers—(*contd.*)	Pages.
Pantalam Vadakkekara—irrigation canal in ...	694
Paper Mills (Titaghur) ...	974
Parur District Court ...	463
Petrol—importation of ..	319
Plumbago ...	10
Pokkuvaravu forms ...	456
Police—cases ...	466
,, Department—reform of the ...	2
,, Inspectors ...	717
,, Officers ...	972
,, dispensing with the services of a ...	971
,, unfit among ...	972
,, Out-post - at Kanjiramkulam ...	723
,, ,, at Mannancheri ...	610
,, ,, at Vamanapuram ...	377
,, Station—at Kuttiyatodu ..	708, 709
Poovar land acquisition at ...	722
Promotions from inferior to superior service ...	238
Public Service —recruitment to ...	600
,, Commissioner's selection ...	601
P. W. D. service—extension of ...	59
,, Supervisors ...	391
Railway—accounts of the Trivandrum Shencotta railway ...	65
,, Advisory Board ...	1048
,, Station at Veli ...	947
Ramangalam school ...	769
Reading rooms (grant-in-aid) ...	1053
Registration Director ...	878
Remission in Nanjinad ...	613
,, rules *re*: ...	1041
Revenue Department—copyists of the ...	606
,, tests in the ...	622
Rinderpest ...	579
Roads—Alapra road ...	1057
,, Alleppey-Aroor road—maintenance of..	1044
,, Ambalapuzha cart roads ...	115
,, Anappad Bridge Road ...	725
,, Aruvikara-Vellanadu ...	63
,, Ayiroor to Nadayara ...	711
,, in cardamom area ...	718
,, Chittar road ...	112
,, Haripad to Anjilmootil kadavu ...	606
,, Kadakkarapally-Thankey Church road.	793
,, Kallara-Aruvipuram trace ...	458, 514-515
,, Paripoor trace ...	172, 378

Questions and Answers—(*contd.*)

	Pages.
Roads Kaudiyar—Mascot Hotel ...	7
,, Kesavapuram Market trace ...	1054
,, Kollenpuzha-Mananaku trace ...	610
,, Kunnapuram to Tamanan ...	1045
,, Kuzhithura—Thengapattanam ...	532
,, M. C. road ...	1049
,, Museum—Fort road ..	830
,, Mutiravila—Kallara trace ...	610
,, Nedumangad—Vempayam ...	103
,, ,, Maintenance of roads in ..	693
,, Neyyattinkara—Poovar ...	240
,, Nilakkamukku to Kayikara ...	388
,, Pullikal trace ...	241
,, ,, to Velinalloor trace ...	876
,, Pantalam—Aranmula ...	242
,, Peyaud to Vellanad ...	307
,, Pezhumood Kolupura trace ...	522
,, Puliyur to Mannar ...	309
,, Sarkara—Althramoodu road ...	702
,, Shertallai—Arukutty and Shertallai—Tanneermukkom roads ...	609
,, Thengapattanam—Colachel Beach road ...	532
,, Thondankulangara - Ariyad Munro light road ...	871
,, Thuravoor—Tirumala Devaswom road ...	609
,, Valliyarappancodu Estate road ...	9
,, Village road from Edava Pakuthi Cutcherry to Kappil Railway Station.	607
,, Lapsing of allotments for ...	603
,, Road maintenance of ...	455
,, Road dust ...	946
Rubber Factory ...	691, 970, 715
,, Goods—sales agency ...	688
Rubber—licensing committee ...	279
Rural libraries ...	946
Salt—import in 1111 ...	1055
,, manufacture ...	529
,, Transport ...	1048
Schools—Incomplete primary ...	874
,, newly started ...	388
,, Vernacular grant-in-aid to ...	1058
,, ,, newly sanctioned ...	690
School buildings— ...	534
,, rented ones ...	534
,, used as places of worship ...	727

	Pages.
Questions and Answers—(*contd.*)	
School fee—collection of ...	177
School and College fees ...	470
Secretariat clerks (Ag.) ...	71
Settlement Memorandum ...	184
Shertallai Health Unit ...	1061
,, Hospital ...	526
,, Markets ...	608
,, Town lighting ...	709
,, Valan's prawn-catching ...	1056
Small cause suits in Munsiffs' Courts ...	726
Smuggling in the north ...	1049
Standardisation in the Education Department ...	67
Sub-Registrars ...	717
Sugar Factory ...	699
Tank conversions ...	875
Tannipuzha ferry ...	611
Tax arrears sales for ...	394, 469
Tazhakkara pakuthi drainage ...	872
Teachers—appointment of from outside the waiting list ...	697
,, Graduates—Ag. ...	171, 315, 391 468
,, ,, —confirmation of ...	720
,, ,, —recruitment of ...	392
,, in private schools ...	316
,, in private vernacular schools ..	174, 395
,, untrained in private schools ...	393
Theft and burglary cases ...	393
Timber sales ...	237
Tiruvalla 2nd class Magistrate's Court ...	64
Tobacco cultivation .	176,316
Toddy sales ...	318
Todupuzha Muslim V. P. School ...	319
Touring of officers ...	518
Traffic—checking station ...	622
,, control of in trunk roads ...	174
Trivandrum—court houses ...	248
District Court sheds ...	792
,, Electric supply ...	492
,, Panchayat court ...	696
,, roads, widening of ...	605
,, Town planning ...	1059
,, Water supply ...	727
,, Water tax ...	728
,, Water and house tax ...	12

	Pages.
Questions and Answers—(*contd.*)	
Tuberculosis ...	512
Uzhamalakkal Pakuthi Cutcherry ...	969
Vaikom Hospital ...	523
Valan voters ...	947
Vamanapuram camp shed ...	457
Veluthedathu Nair ...	791
Veterinary Hospitals ...	705
V. P. court nominations ...	973
Voters' list ...	457
Water to drink, for coastal pakuthies ...	697
Water supply schemes ...	1063
" for Municipalities ..	726
Women's College ...	13
Well near Eraniel-Rajakkamangalam road ...	4064
R	
Raman Pillai, Mr. R.	
Bills—	
Agriculturist Debt Relief Bill—final reading of ...	209-210
Bar Council Bill—pleaders becoming advocates...	914-915
Income Tax Regulation Amendment Bill ...	501
Questions—	
Alapra road ...	1057
Kanakappalam Anchal Master ...	1046
" office ...	1056
Resolutions —	
A. S. Ps—abolition of ...	1008-1009
Supplementary questions—	
Kottayam District Surgeon ...	798
Ramakrishna Pillai, Mr. V.	
Bills.—	
Kammala bill ...	747-750
Widow Remarriage bill ...	647
Question.—	
Haripad-Anjilimootil kadavu road ...	606
Resolution —	
A. S. P's—abolition of ...	986-987, 1009-1010
Supplementary demand—	
Public Service Examinations and staff ...	563-564
Ramaswami Aiyar, Sir C. P.	
Oath of office ...	1
Reply to welcome speeches ...	27-29
Welcome to ...	16-29

	Pages.
Rangagswami Aiyar, Rao Bahadur A.	
Bill.—	
Income Tax Regulation Amendment Bill ...	487-490
Public Accounts Committee Report—Debate on the creation of a P. W. D. Reserve Fund...	575, 595-596
Resolutions.—	
Taluk-war revenue and expenditure ...	1101-1105
Supplementary Demand—	
Minting of coins ...	829-831
Resolutions	
A. S. Ps—abolition of ...	985-1011
Magistrates from the Bar ...	1107.1116
Malayalees in Ceylon ...	1105-1107
Minor Irrigation Committee's recommendations...	1033-1039,1070-1089
Ponmudi being made summer quarters of Government ...	773-781
P. W. D. contracts ...	781-789
Taluk-war revenue and expenditure ...	1094-1105
Throwing open of satroms, schools and roads to all classes of people ...	1012
Tobacco cultivation ...	1012-1031
Trade Agent in Europe ...	1089-1094
Rulings—	
At the third reading of a Bill, Law Member can move amendments even against the decisions of the House at the second reading ...	30
Comments on what the President may do are irrelevant ...	681
Information cannot be imparted to members during question time ...	533
Members have no right to restrain each other...	2
Philosophical disquisitions and abstract questions and answers ...	3
Unauthorised publications should not be circulated in the House ...	659
What passed in the Select Committee should not be referred to ...	188
Sambasiva Aiyar, Mr. R.	
Bills—	
Agricultural Relief Bill—final passing of ...	202-203
,, Third reading—otti to be treated as hypothecation ...	196-197
,, retrospective reduction of interest...	130-132
Income Tax Regulation Amendment Bill ...	833, 834

	Pages.
Simpson, Mr. James—	
Supplementary Demand—	
General Hospital building ...	802-803
Neyyattinkara and Nedumangad temporary hospitals ...	828
Sivaraman Nair, Mr. R.	
Bills—	
Agricultural Relief Bill—third reading—	
Boards—effect of non-disposal by within precribed period ...	85-86
,, – Otti to be treated as hypothecation ...	195-196
Ancient Monuments Preservation Bill ...	245-255, 258, 259,262-263
Co-operative Societies Bill—Audit fee ...	276-277
Financing Bank—defalcation of ...	264-265
Limited or unlimited liability to be decided by members ...	265-267
Loans to depositors ...	280-281
Registrar's discretion *re* registration ...	271, 273
Life Insurance Companies Bill ...	420-421, 422
Trade Unions Bill—Unions—Privilege of members ...	369
,, registration of ...	361-363
,, scope of ...	367
Widow Remarriage bill ...	641-642
Questions—	
Air Mail ...	454
Anchal Superintendent's office ...	110
,, Test ...	106
Ayurveda—scholarship for study of ...	111
Depressed classes—land for ...	267
Excise Inspectors—punishment of ..	112
Forest Department—supply of cloth to ...	691
Kozhencheri bridge ...	64
Law College—Elective Lecturers in the ...	968
Munsiff's and Second Judge—pay of ...	65
Pallivasal scheme ...	691
Poovankadavu bridge ...	872
Rubber Factory ...	691
,, goods—sales agency ...	688
,, licensing committee ...	172
Tiruvalla Second Class Magistrate's Court ...	64
Trivandrum town—water tax ...	728
Women's College ...	18

	Pages.
Sivaraman Nair, Mr. R. —*(contd.)*	
Supplementary questions—	
Excise Revenue of the Chiefs ...	971
Judicial officers—extension of ...	713
Schools (vernacular)—newly sanctioned ...	690
Sivatanu Pillai, Mr. M.	
Bills—	
Co-operative Societies Bill—Government's power to revise Registrar's decision ...	293
,, Registrar's powers to supersede managing committees ...	283-284
Kamala Bill ...	737-746
Trade Unions Bill—percentage of members on the executive ...	415-416
Supplementary Demand—	
Police rewards ...	807-810
Supplementary Questions—	
Anti-Indian agitation in Ceylon ...	724
Bus fares ...	624
Compulsory primary education ...	319
Depressed classes—lands for ...	618
D. P. I's circular No. 1770 ...	707
Eraniel—Valiakulam ...	715
Kesavapuram market trace ...	1055
Municipalities—appointments in the ...	792
Pallivasal Power House ...	313
Remission of tax in Nanjinad ...	614
Sugar Factory (Tuckalai) ...	700
Women's College ...	15
Welcome to Sir C. P. ...	22-23
Supplementary Demands—	
Agriculture and Fisheries—cocoanut root disease research ...	575
Ayurveda College and Pharmacy- rent for ...	828
Chowkey at new Edava Railway station ...	805
Fee concession compensation ...	803, 804
General Hospital buildings ...	802-803
Minting of coins ...	829-831
Neyyattinkara and Nedumangad temporary hospitals ...	828
Palace Manuscripts Catalogue ...	831
Police rewards ...	805-821
Ports—dredger at Alleppey ...	574
Public Service Examinations and staff ...	557-574
P. W. D. building at Neendakara and Nooranad.	540-656
Regulations and Proclamations (Supplements) ...	832
State Manual staff ...	821-828

T

	Pages
Thanu pillai, Mr. A.	
Bills	
Agricultural Relief Bill—Third reading—Boards—effect of non-disposal by within prescribed period ...	86-87,96
„ Territorial jurisdiction of .	45-47
„ Otti to be treated as hypothecation .	198
Civil Courts Powers (Amendment) Bill ...	433-434
Income Tax Regulation Amendment Bill ..	498-499
Kamala Bill ...	679-680
Trade Unions Bill—Registration of Unions ...	356-358
Widow Remarriage Bill ...	650-652
Questions—	
Petrol—importation of ...	319
Public Service Commissioner—selection test by...	601
Water Supply Sheme for Municipalities ...	726
Resolutions—	
Magistrates from the Bar ...	1113-1114
Minor Irrigation Committee's recomendation ...	1072-1074
Ponmudi being made summer quarters for Government ...	778
Supplementary Demand—	
Neendakara Customs House buildings and Leper Colony building ...	553
Police rewards ...	816
Public Service Examinations and staff ...	568-659
Anti-Indian agitation in Ceylon ...	724
Bus fares ...	628
Cattle Farms ...	176
Colachel Factory ...	391
Fee concessions to Muslims ...	173
Official Receivers—misappropriation by ...	384
Public Service Recruitment ...	600
School fees—collection of ...	177
Superannuated officers ...	698
Teachers in private vernacular schools ...	396
Thiraviam Nadar, Mr. S.	
Questions—	
Nadars in service ...	719
Remission of tax in Nanjinad ...	613
Tolson, Mr. Whitely.	
Bills—	
Rubber Control Bill—cultivation of rubber ...	235
„ replanting, date re: ...	232-233

	Pages
Tolson, Mr. Whitely—(*contd.*)	
Bills—(*contd.*)	
Rubber Control Bill—time-limit for operation of.	219
Trade Unions bill—Registration of Unions ...	337
Truscott, Mr. G. B. E.	
Resolutions—	
Ponmudi being made the summer quarters of Government ...	776-777
P. W. D. contracts ...	785-788
Supplementary Damands—	
Neendakara Customs House buildings and Leper Colony building ...	540, 542-543
V	
Varughese, Mr. N. E.	
Bills.—	
Agricultural Relief Bill final passing of ...	212
„ Third reading Boards territorial jurisdiction ...	54-55
„ Retrospective reduction of interest...	155-156
Bar Council's Bill—Pleaders becoming advocates ...	615-919
Civil Courts Powers (Amendment) Bill ...	435
Income Tax Regulation Amendment Bill ...	491-492
Kammala Bill ...	683-683
Trade Unions Bill—Registration of Unions ...	358
Widow Remarriage Bill ...	652
Public Accounts Committee Report—Debate on the creation of a P. W. D. Reserve Fund ...	582-583
Questions—	
Cardamom area ...	718
Resolutions—	
Taluk-war revenue and expenditure ...	1102-1104
Supplementary Demand—	
Public Service Examinations and staff ...	564
Velappan Nair, Mr. V. K.	
Questions—	
Teachers—graduates acting as ...	315
Velayudhan Pillai, Mr. T. P.	
Bills—	
Agricultural Relief Bill—final passing of ...	210
„ Third reading—Boards—effect of non-disposal by within prescribed time .	93
„ Territorial jurisdiction ...	47-48
„ Retrospective reduction of interest ...	145

	Pages
Velayudhan Pillai, Mr. T. P. (*contd.*)	
Bills—(*contd.*)	
Bar Council Bill ...	439
,, Pleaders becoming advocates ...	895-897
,, Second Grade Pleaders becoming First Grade ...	921-923
Co-operative Bill—Limited or unlimited liability to be decided by members ...	268
Rubber Control Bill—Cultivation of rubber ...	230-234
Trade Unions Bill—Registration of Unions ..	341-342
Public Accounts Committee Report—Debate on creating a P. W. D. Reserve Fund ..	575-577
Questions	
Anchal non-departmental offices ...	586
Animal Husbandry Research .	712
Bulls—(Scindhi)—important of ...	698
Bus service—classification of roads for ..	182
,, Quilon to Alleppey ...	719, 1062
Central Prison receipts ...	459
Chengannur Dispensary ...	520-521
D. P. I's Circular No. 1770 ...	706-708
,, Order to Inspectress ...	464
Excise Revenue of the Chiefs ...	971
Franchise ...	182
Goat breeding ...	520
High Court Ruling in 18 T. L. J. 3 ...	712
Honorary Medical Officers ...	516
Kollakadavu bridge ...	309
Puliyaor-Mannar road ..	309
Registration Director ...	878
Rinderpest ...	519
Rural Medical Relief ...	518
Sugar Factory (Thuckalai) ...	699
Teachers (Agricultural graduates) ...	468
Tobacco cultivation ...	176, 316
Touring of officers ...	918
Traffic control in trunk roads ...	174
Supplementary Demands—	
Neendakara Customs House buildings ...	550
Velu Achari, Mr. N.	
Bill—	
Kammala Bill ...	664-673

Velu Pillai, Sadasya Tilaka T. K.

	Pages
Adjournment motions —	
Election to the Legislature ...	930-934
Ramamangalam—Police excesses at ...	852-804
Bills —	
Agricultural Relief Bill—Third reading—Boards territorial jurisdiction ...	48-51
,, Retrospective reduction of interest	151-155
Bar Council Bill—Pleaders becoming advocates...	912-914
Civil Courts Powers (Amendment) Bill ...	422 427-432
Co-operative Societies Bill—Registrar's discretion of re-registration ...	278
,, powers of, to supercede Managing Committee ...	289-220
Income Tax Regulation Amendment Bill ..	485-486
Rubber Control Bill—time-limit for operation of ..	221-222
Trade Union Bill—Registration of Unions ...	339-341
Widow Marriage Bill ...	645-648
Farewell speech ...	1121-1122
Resolution—	
Minor Irrigation Committee's recommendations ...	1074-1075
Supplementary Demands—	
Neendakara Customs House building ...	546-547 549
Police rewards ...	811-812
Supplementary questions—	
Alleppey-Shertallai canal—maintenance of ...	704
Medical Department—levy of fees from out-patients ...	70
Touring of officers ...	518
Welcome to Sir C. P. ...	16-18

35080

Proceedings of the Travancore Sri Mulam Assembly
9
1938

1 Nov 16, 1936-New Members Sworn
2 Nov 16, 1936-Questions and Answers
15 Nov 16, 1936-Notices of Adjournment Motion
16 Nov 16, 1936-Welcome to the New President
29 Nov 16, 1936-Statement Laid on the Table
29 Nov 16, 1936-Panel of Chairman
29 Nov 16, 1936-Travancore Agriculturist's Relief Bill-Legislative Business
59 Nov 17, 1936-Questions and Answers
72 Appendix
74 Nov 17, 1936-Travancore Agriculturist's Relief Bill-Legislative Business
101 Nov 18, 1936-New Members Sworn
101 Nov 18, 1936-Questions and Answers
118 Appendix
122 Nov 18, 1936-Travancore Agriculturist's Relief Bill-Legislative Business
169 Nov 19, 1936-Questions and Answers
185 Appendix
187 Nov 19, 1936-Travancore Agriculturist's Relief Bill-Legislative Business
213 Nov 19, 1936-Travancore Boilers Bill-Legislative Business
214 Nov 19, 1936-Travancore Rubber Control Bill-Legislative Business
237 Nov 20, 1936-Questions and Answers
244 Appendix
249 Nov 20, 1936-Travancore Rubber Control Bill-Legislative Business
252 Nov 20, 1936-Travancore Ancient Monuments Preservation Bill-Legislative Business
264 Nov 20, 1936-Travancore Co-operative Societies Bill-Legislative Business
296 Nov 20, 1936-Travancore Trade Unions Bill-Legislative Business
307 Nov 21, 1936-New Members Sworn
307 Nov 21, 1936-Questions and Answers
321 Appendix
323 Nov 21, 1936-Travancore Ancient Monuments Preservation Bill-Legislative Business
325 Nov 21, 1936-Travancore Trade Unions Bill-Legislative Business
375 Nov 23, 1936-Questions and Answers
397 Appendix
410 Nov 23, 1936-Travancore Trade Unions Bill-Legislative Business
420 Nov 23, 1936-Travancore Life Assurance Companies Bill-Legislative Business
425 Nov 23, 1936-Travancore Civil Courts Powers Bill-Legislative Business
436 Nov 23, 1936-Travancore Identification of Prisoners Bill-Legislative Business
439 Nov 23, 1936-Travancore Bar Council Bill-Legislative Business
440 Nov 23, 1936-Travancore Workmen's Compensation Bill-Legislative Business
447 Nov 23, 1936-Travancore Forest Regulation Bill-Legislative Business
448 Nov 23, 1936-Travancore Medical Registration Bill-Legislative Business
452 Nov 23, 1936-Travancore Survey and Boundaries Regulation Bill-Legislative Business
452 Nov 24, 1936-Oath of Office
452 Nov 24, 1936-Questions and Answers
473 Appendix
479 Nov 24, 1936-Trivandrum City Municipal Bill-Legislative Business
479 Nov 24, 1936-Travancore Income Tax Regulation Bill-Legislative Business
503 Nov 24, 1936-Travancore Survey and Boundaries Regulation Bill-Legislative Business
509 Nov 24, 1936-Preamble and Title
511 Nov 25, 1936-New Member
511 Nov 25, 1936-Questions and Answers
535 Appendix
540 Nov 25, 1936-Public Works Department-Demands for Supplementary Grants
557 Nov 25, 1936-General Administration-Demands for Supplementary Grants
574 Nov 25, 1936-Ports-Demands for Supplementary Grants
575 Nov 25, 1936-Agriculture and Fisheries-Demands for Supplementary Grants
575 Nov 25, 1936-Report of the Public Accounts Committee
597 Nov 26, 1936-New Members Sworn
597 Nov 26, 1936-Questions and Answers
625 Appendix
634 Nov 26, 1936-Travancore Hindu Widows Remarriage Bill-Legislative Business
658 Nov 26, 1936-Travancore Kammala Bill-Legislative Business
687 Nov 27, 1936-Questions and Answers
729 Appendix
737 Nov 27, 1936-Travancore Kammala Bill-Legislative Business
773 Nov 27, 1936-Matters of Public Interests-Resolution
773 Nov 27, 1936-Ponmudi to be the Summer Quarters of Government-Resolutions
781 Nov 27, 1936-Contracts for Government Works-Resolutions
791 Feb 23, 1937-New Members Sworn
791 Feb 23, 1937-Questions and Answers
800 Appendix
802 Feb 23, 1937-Notice of Adjournment Motion
802 Feb 23, 1937-Regulations Assented to by His Highness the Maharaja
802 Feb 23, 1937-Public Works Department-Demands for Supplementary Grants
803 Feb 23, 1937-Education-Demands for Supplementary Grants
805 Feb 23, 1937-Excise-Demands for Supplementary Grants
805 Feb 23, 1937-Police-Demands for Supplementary Grants
821 Feb 23, 1937-General Administration-Demands for Supplementary Grants
828 Feb 23, 1937-Public Health and Sanitation-Demands for Supplementary Grants

829 Feb 23, 1937-Currency and Mint-Demands for Supplementary Grants
831 Feb 23, 1937-Scientific and Miscellaneous Departments-Demands for Supplementary Grants
832 Feb 23, 1937-Miscellaneous Charges-Demands for Supplementary Grants
832 Feb 23, 1937-Travancore Income Tax Regulation Bill-Legislative Business
835 Feb 23, 1937-Travancore Forest Regulation Bill-Legislative Business
835 Feb 23, 1937-Travancore Identification of Prisoners Bill-Legislative Business
837 Feb 23, 1937-Travancore Bar Council Bill-Legislative Business
844 Feb 23, 1937-Adjournment Motion
871 Feb 24, 1937-Questions and Answers
883 Appendix
886 Feb 24, 1937-Notices of Adjournment Motion
887 Feb 24, 1937-Travancore Bar Council Bill-Legislative Business
926 Feb 24, 1937-Conduct of Elections to the Legislature-Adjournment Motion
939 Feb 25, 1937-Questions and Answers
948 Appendix
955 Feb 25, 1937-Notice of Adjournment Motion
955 Feb 25, 1937-Travancore Bar Council Bill-Legislative Business
963 Feb 25, 1937-Adjournment Motion
967 Feb 26, 1937-New Members Sworn
967 Feb 26, 1937-Questions and Answers
977 Appendix
978 Feb 26, 1937-Travancore Hindu Widows Remarriage Bill-Legislative Business
985 Feb 26, 1937-Abolition of the Office of Assistant Superintendents of Police-Legislative Business
985 Feb 26, 1937-Matters of General Public Interest-Resolutions
1012 Feb 26, 1937-Cultivation of Tobacco
1033 Feb 26, 1937-Recommendations of the Minor Irrigation Committee
1041 Feb 27, 1937-Questions and Answers
1065 Appendix
1070 Feb 27, 1937-Matters of General Public Interest-Resolutions
1089 Feb 27, 1937-Appointment of Trade Agents in Europe
1094 Feb 27, 1937-Revenue and Expenditure in Taluks
1105 Feb 27, 1937-Malayalees in Ceylone
1107 Feb 27, 1937-Recruitment of Magistrates from the Bar
1116 Feb 27, 1937-Farewell Speeches
B1 Travancore Agriculturist's Relief Bill
C17 Bill to Consolidate Amend the Law Relating to Steam Boilers
D1 Report of the Select Committee on the Travancore Rubber Control Bill
D8 Travancore Ancient Monuments Preservation Bill
D19 Report of the Select Committee on the Travancore Co-operative Societies Bill
D28 Travancore Co-operative Societies Bill
D50 Report on the Select Committee on the Travancore Trade Unions Bill
D52 Note of Dissent by Mr K Kunjukrishna Pillai
D54 Travancore Trade Unions Bill
E1 Travancore Ancient Monuments Preservation Bill
F1 Travancore Trade Unions Bill
F10 Travancore Life Assurance Companies Bill
F66 Travancore Identification of Prisoners Bill
F68 Travancore Bar Council Bill
F76 Travancore Workmen's Compensation Bill
F96 Statement of Objects and Reasons
F98 Bill to Amend the Travancore Forest Regulation of 1068
F99 Travancore Medical Registration Bill
G1 Bill further to Amend the Travancore Income Tax Regulation 8 of 1096, As Amended by Regulation 5 of 1100
G16 Travancore Survey and Boundaries Regulation Bill
H1 Nov 9, 1936-Minutes of the Meeting of the Standing Finance Committee
H5 Report of the Public Account Committee
H13 PProceedings of the Meeting of the Public Accounts Committee
H19 Audit Report
H24 Finance Department
I1 Travancore Hindu Widows Remarriage Bill
I4 Travancore Kammala Bill
J1 Travancore Income Tax Regulation Bill
J28 Bill to Amend the Travancore Forest Regulation of 1068
J29 Travancore Identification of Prisoners Bill
J41 Minutes of the Meeting of the Standing Finance Committee(18th Feb 1937)
K1 Travancore Bar Council Bill
L1 Report of the Select Committee on the Travancore Hindu Widows Remarriage Bill
M1 Index

v